

bulletin





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APR 9 '48

COMMENTS ON THE INTERNATIONAL WHEAT AGREEMENT

By Edward G. Cale

Negotiations which have continued for approximately 15 years looking toward an agreement within the framework of which a major portion of international trade in wheat would take place were brought to a successful conclusion on March 6, 1948. The final phases of these negotiations occurred during a Special Session called for this purpose by the International Wheat Council, which was established in 1942 under a memorandum of agreement initialed by representatives of the Governments of Argentina, Australia, Canada, the United Kingdom, and the United States.

The general form of the agreement is the same as that of the draft formulated in negotiations at the International Wheat Conference held in London in March and April 1947,¹ i. e., a multilateral contract under which member exporting countries agree to supply specified quantities of wheat to member importing countries, if called upon to do so at the maximum prices provided for in the agreement, and member importing countries agree to purchase specified quantities of wheat from member exporting countries, if called upon to do so at the minimum prices provided for in the agreement. Since the agreement assures exporting countries markets for a substantial part of the wheat they are able to produce for export at prices which are not lower than the minimum prices which the agreement provides, it should encourage the producing countries to maintain production at least during the continuation of the present cereals shortage. In addition, the commitments by the exporting countries to supply specified quantities of wheat to the importing countries at prices no higher than the maximum prices which the agreement provides should make it possible for the importing countries to plan their agricultural production with greater certainty that imported wheat will be available. In this way the agreement should encourage the importing countries to diversify their agriculture and to utilize their agricultural resources to greater advantage than would otherwise have been possible.

The principal problem regarding the agreement that was left unresolved by the London conference related to the maximum and minimum prices that should be provided for in the agreement. There was, however, as the Special Session of the

Wheat Council indicated, a number of other questions on which full agreement was not reached in the London conference. In its final meeting, that Conference entrusted to the International Wheat Council the task of bringing the negotiations to a successful conclusion. Membership in the Council had been increased to 13 prior to the London conference, the following countries having accepted an invitation of membership issued by the Council in March 1946: Belgium, Brazil, China, Denmark, France, India, Italy, and the Netherlands. The Union of Soviet Socialist Republics and Yugoslavia, which were also issued invitations at the same time, did not become members.

In entrusting the task of negotiating the agreement to the Wheat Council, the London conference recommended that invitations to membership in the Council be extended to all countries that were represented at the Conference. Between the time of the London conference and the meeting of the Special Session of the Wheat Council in which the wheat-agreement negotiations were completed, 15 additional countries became members of the Council, namely: Austria, Colombia, Czechoslovakia, the Dominican Republic, Egypt, Greece, Ireland, Lebanon, Mexico, New Zealand, Norway, Peru, Poland, Portugal, and Uruguay, thus bringing membership in the Council to 28.

The first important step taken by the Council pursuant to the request of the London conference occurred at the Council's meeting on December 8, 1947, when a Special Session was agreed upon for January 28 for the purpose of negotiating and signing an international wheat agreement. It also established a Special Committee (consisting of the representatives of Australia, Brazil, Canada, France, India, the Netherlands, the United Kingdom, and the United States), instructing it to do any preparatory work which would expedite the proceedings of the Special Session. This Committee met on December 9 and 29, 1947, and on January 5 and 6, 1948, and prepared a report to the International Wheat Council stating what it considered to be the substantive issues facing the Special Session, namely: the questions of

¹ For a discussion of this Conference and a brief summary of the negotiations leading up to it see BULLETIN of June 1, 1947, p. 1053.

duration of the agreement, the maximum and minimum prices for which it should provide, the equation of guaranteed import and export quantities, and the inclusion in the agreement of provisions giving the Council added responsibility and authority to deal with emergency needs for wheat that might arise. It was necessary to devise a way of bringing the guaranteed import and export quantities provided for in the agreement into equality, since importing countries had indicated in London a desire to purchase substantially larger quantities of wheat than exporting countries were in a position to commit themselves to supply.

In its December 8, 1947, meeting, the Council agreed to invite to its Special Session all countries which had been invited by the United Kingdom Government to attend the Wheat Conference in London in March and April 1947, namely, all countries which were members either of the United Nations or of the Food and Agriculture Organization. Each of the 28 countries which were members of the Wheat Council were represented by delegations at the Special Session. In addition, 13 other countries accepted the Council's invitation and were represented by delegates or observers. These were Afghanistan, Cuba, Ecuador, Finland, Guatemala, Iran, Liberia, Pakistan, Philippines, Sweden, Switzerland, Union of South Africa, and Venezuela. The Special Session was therefore attended by representatives from 41 countries, and by observers from United Nations, Food and Agriculture Organization, International Bank for Reconstruction and Development, and the International Monetary Fund.

A number of governments sent specially instructed representatives to the Special Session. The United Kingdom, for example, sent Sir Herbert Broadley and John Wall of the British Ministry of Food from London. Other governments were represented by their regular delegations to the International Wheat Council who were, of course, under special instructions regarding the subject matter before the Special Session. The United States was represented at the Special Session by its regular delegation to the International Wheat Council. This is composed of N. E. Dodd, Under Secretary of Agriculture; Leroy K. Smith, Director, Grain Branch, Department of Agriculture; L. A. Wheeler, until March 1, 1948, Director, Office of Foreign Agricultural Relations, Department of Agriculture, and since then a member of the United States Foreign Service; and Edward G. Cale, Associate Chief, International Resources Division, Department of State.

Mr. Wheeler, who is Chairman of the Council, presided at all meetings of the Special Session. The Secretary of the Council, Andrew Cairns, served as Secretary of the Special Session.

Since the major issues to be faced at the Special Session were already well understood, the organi-

zation of the Session was relatively simple and only two regular committees were established: a Steering Committee consisting of representatives of those countries that had served on the Special Committee established by the Wheat Council on December 8, 1947, to prepare for the Session, and a Price Equivalents Committee. Although the former was in a position to consider all problems of procedure coming before the Special Session, most of its attention was devoted to questions relating to the duration of the agreement, to the basic minimum and maximum prices that it should contain, and to the consideration of methods for moderating severe price changes from one crop year to another within the price ranges. The Price Equivalents Committee was established to resolve one of the problems which had not been settled at the London Wheat Conference, i.e., to determine in the currencies of Australia and the United States, respectively, the maximum and minimum prices for certain types of their wheat in relation to a grade of Canadian wheat, which was taken as the basic grade for purposes of the agreement.

Mr. Wheeler and Mr. Cairns were elected chairman and secretary, respectively, of the Steering Committee. John Wall of the United Kingdom Delegation was elected chairman of the Price Equivalents Committee and James McAnsh of the staff of FAO served as the Committee's secretary. Australia, Canada, India, the United Kingdom, and the United States were represented on the Price Equivalents Committee.

Problems which could not be handled in full meetings of the Council on subjects other than those falling within the purview of the Steering Committee and the Price Equivalents Committee were referred to *ad hoc* working parties or groups. The most important of these was the so-called "First Working Party" established to consider the equation of the guaranteed export and import quantities, and a proposal made by the United States Delegation to extend the provisions of the London draft agreement relating to emergencies in periods of acute scarcity. This was the only working party or group whose period of activity extended virtually throughout the entire Special Session. The following countries were represented on it: Australia, Belgium, Canada, China, Egypt, France, Greece, India, Ireland, Italy, Norway, the United Kingdom, and the United States. The head of the Indian Delegation, J. Vesugar, served as the Working Party's chairman and John W. Evans of the staff of FAO as its secretary.

The first meeting of the Special Session was held on January 28, 1948, and the last meeting on March 6, 1948. During this period the Session recessed for approximately one week, from the afternoon of February 26 until the morning of March 4. This recess was required to enable delegations to obtain final instructions from their

governments regarding the outstanding unsettled issues at the time. The recess was agreed upon by the Special Session in the hope that the negotiations could be completed within a short time after the Session reconvened.

All meetings of the Special Session except the final meeting on March 6 were in executive session. Arrangements were made, however, for the Chairman and the Secretary of the Special Session to meet with representatives of the press from time to time and to issue releases in order that the press and the public might be kept advised of the progress of the negotiations. At the final session on March 6, which was open to the public, copies of the agreement that had been negotiated and of a release describing its principal features were distributed to the press.

The agreement consists of a preamble and 22 articles. The preamble indicates that the countries signing the agreement have done so "recognizing that there is now a serious shortage of wheat, and that later there may be a serious surplus; believing that the high prices resulting from the present shortage and the low prices which would result from a future surplus are harmful to their interests, whether they are producers or consumers of wheat; and concluding therefore that their interests, and the general interest of all countries in economic expansion, require that they should cooperate to bring order into the international wheat market". The agreement's objectives, as stated in article I, "are to assure supplies of wheat to importing countries and to assure markets to exporting countries at equitable and stable prices".

The essence of the agreement is contained in articles II through VI. Article II, dealing with rights and obligations of importing and exporting countries, contains two annexes. Annex I gives in metric tons and in bushels the "guaranteed purchases" of each of the signatory importing countries. Annex II gives the "guaranteed sales" of each of the exporting countries.

Article III provides for the supplying to the Council by the contracting governments of the information regarding sales for export, and export, and purchases for import, and import, of wheat which is necessary for the record keeping by the Council that will be required in the administration of the agreement.

Article IV deals with the enforcement of rights. It provides that any importing country which at any time finds difficulty in making its guaranteed purchases at the maximum price may, through the Council, call upon the exporting countries to supply wheat up to the amount which the exporting countries have guaranteed to supply the importing country in question and that any exporting country which at any time finds difficulty in making its guaranteed sales at the minimum price may,

through the Council, call upon the importing countries to purchase wheat up to the amount which the importing countries have guaranteed to purchase from the exporting country in question. The exporting countries may be called upon by the importing countries to deliver wheat only at the maximum price. The importing countries may be called upon by the exporting countries to purchase wheat only at the minimum price. Transactions in wheat over and above the guaranteed quantities are not subject to the terms of the agreement.

Article V deals with the adjustment of obligations. It provides that any contracting government which fears that it may be prevented by circumstances, such as a short crop in the case of an exporting country or such as the necessity to safeguard its balance of payments or monetary reserves in the case of an importing country, from carrying out its obligations and responsibilities under the agreement shall report the matter to the Council. It also provides that the Council, if it finds that the country's representations are well-founded, shall seek to bring about an adjustment in obligations through the voluntary assumption of those obligations by other contracting countries. It provides further that in the event it is not possible to adjust the obligations on a voluntary basis the Council shall reduce the quantities in the appropriate annex to article II, on a proportional basis, in order to bring the total quantities in the annexes into equality with each other.

Article VI deals with prices. This article, as was the case in London, raised the most difficult problems that had to be considered. As finally negotiated, the article provides for a uniform maximum price of \$2.00 per bushel and for a minimum price of \$1.50 in the first year, \$1.40 in the second year, \$1.30 in the third year, \$1.20 in the fourth year, and \$1.10 in the fifth year. These prices are for no. 1 Manitoba Northern wheat in store Fort William/Port Arthur, expressed in terms of Canadian currency per bushel at the parity for the Canadian dollar determined for the purposes of the International Monetary Fund as of February 1, 1948. Under this definition one dollar Canadian currency is equal to one dollar United States currency. Under the definition of "wheat" used in the agreement, wheat includes flour in terms of wheat equivalent in every case where the term occurs, except in this article and in article IX dealing with stocks which are to be held by exporting and importing countries.

No provision was incorporated in the agreement specifically for the purpose of moderating fluctuations within the limits set by the basic maximum and minimum prices, although a provision which was contained in the London draft agreement was included, under which the Council may, by a two-thirds majority of the votes held by the

exporting and importing countries voting separately, determine the minimum and maximum prices for the third, fourth, and fifth years of the agreement, provided that the minimum price so determined is not lower than the basic minimum price and the maximum price so determined is not higher than the basic maximum price referred to earlier (i.e., the minimum may not be lower than \$1.50 in the first year, \$1.40 in the second year, et cetera, and the maximum may not be higher in any year than \$2.00).

With one exception, voting under the agreement is on a weighted basis with the weight of the vote being determined by the quantity of wheat which a country is committed to buy or sell and with 50 percent of the total vote being exercised by exporting countries and 50 percent by importing countries. The exception relates to voting on the seat of the Council under paragraph 10 of article XI in which case each delegate has one vote.

From the foregoing discussion it is evident that of the problems mentioned in its report to the Council by the Council's Special Committee, the question of duration was settled on the basis of five years, that the price range question was settled on the basis of a uniform ceiling of \$2.00 and a floor beginning at \$1.50 and dropping by 10-cent stages to \$1.10 in the fifth year, and that no provision for narrowing price fluctuations within these limits was made which can take effect without a two-thirds majority vote of exporters and importers, voting separately. Since Canada and the United States each hold more than one third of the exporter vote and since the United Kingdom holds more than one third of the importer vote, it is apparent that no change in the maximum and minimum prices can be made without the concurrence of each of these countries.

The problem of equating the guaranteed export and import quantities, as indicated earlier, arose from the fact that the importing countries which had expressed a desire to participate in the agreement wished to commit themselves to purchase larger quantities of wheat under the agreement than the exporting countries were in a position to agree to supply. Some of the countries desiring to purchase additional quantities were prepared to commit themselves to do so for each of the five years of the agreement. Others needed substantially larger quantities of wheat in the earlier years than in the later years, since they expected their domestic production, which in many instances had been reduced by the war, to increase materially during the life of the agreement. In equating the guaranteed export and import quantities, the relationship of those quantities to the allocations of the importing countries that have been recommended by the International Emergency Food Committee of the Council of the Food and Agriculture Organization and the allocations it is likely

to recommend for them during the continuation of the present cereals shortage was also extensively discussed. The problem of bringing the two quantities into equality was complicated further because a number of importing countries which had not previously indicated their intention of participating in the agreement did so during the Special Session. It was finally agreed that the guaranteed quantities of the importing countries should be uniform for each of the five years of the agreement. After the exporting countries had indicated that they were not in a position to accede to a request that they supply more than 500 million bushels of wheat under the agreement, the total of the guaranteed purchases by the importing countries was reduced to 500 million bushels. Of this amount Australia is to supply 85 million bushels, Canada 230 million bushels, and the United States 185 million bushels. The reduction in the guaranteed purchases of the importing countries was made by first applying a uniform percentage reduction to the quantities of the individual importing countries and then by working out further selective reductions for a number of such countries.

Near the close of the Conference in London, the United States Delegation had introduced a resolution which would have provided that so long as wheat is in short supply, importing countries should not buy from any source quantities of wheat or substitute grains suitable for direct human consumption in excess of their guaranteed quantities in the proposed agreement, except to the extent that the International Emergency Food Council (now the International Emergency Food Committee of FAO) or any successor organization has recommended that they receive larger quantities and that the exporting countries should agree not to sell to any country a quantity of wheat or substitute grains if this would cause it to receive more than its guaranteed quantity, unless that country were free to do so by virtue of the fact that its recommended allocation was in excess of the quantity guaranteed to it under the agreement. The purpose of this resolution was to prevent the agreement from interfering with international cooperation in the distribution of wheat, on the basis of need, during the continuation of the present cereals shortage. The Conference took no action on this resolution in view of the fact that it was impossible to conclude a wheat agreement at the Conference. However, in passing on to the Wheat Council the task of continuing the negotiations looking toward an international wheat agreement, the Conference also transmitted the resolution to the Council.

There are a number of reasons why the United States Delegation introduced this resolution. These included the following, in addition to the general desire of the United States not to permit the agreement to interfere with an equitable inter-

national distribution of wheat during the present shortage:

First, the possible harmful effect that the agreement might otherwise have on the United States occupation programs in such countries as Germany and Japan.

Second, the possibility that in its absence the agreement might interfere with the efforts of importing countries that were members of the agreement to obtain supplies of wheat over and above the quantities which they were guaranteed under the agreement, even though their allocations recommended by IERC might indicate that they needed such wheat.

Third, the possibility that nonrecognition of the responsibility of IERC in this way might lead to a lack of interest in its operations on the part of certain importing countries and possibly to discontinuance of IERC itself before the need for such an organization had passed.

A fourth problem which was related to the foregoing but not covered by the resolution was the belief of the delegation that some provision should be made in the agreement to permit reductions in the quantities guaranteed to certain importing countries under the agreement in order to make wheat available to other countries in greater relative need if wheat for this purpose could not be obtained in any other way. The delegation later pressed for an addition to the agreement along this line, both in the meetings of the Special Committee that prepared for the Special Session of the Wheat Council and at the Special Session of the Council itself.

The first of these problems was met in the Special Session by the adoption of the following footnote to annex II to article II referring to the sales guaranteed by the United States:

"In the event of the provisions of paragraph 1 of Article V being invoked by reason of a short crop it will be recognized that these guaranteed sales do not include the minimum requirements of wheat of any Occupied Area for which the United States of America has, or may assume, supply responsibility, and that the necessity of meeting these requirements will be one of the factors considered in determining the ability of the United States of America to deliver its guaranteed sales under this Agreement."

The purpose of this footnote is to call attention to the possibility that the United States in some year in which its crop is short might not be able to supply the full 185 million bushels of wheat which it is committed to supply under the agreement because of its obligation to furnish wheat to meet the minimum requirements of the occupied areas. The footnote does not imply the giving of any preference to those areas relative to countries

that are members of the agreement as to the level of supplies in relation to need. During meetings of the Special Session the United States Delegation pointed out that so long as the cereals shortage continues it anticipates that the needs of the occupied areas will be screened by IERC in the same way as in the past. Should the United States ever find it necessary to invoke the above-mentioned provision, under these conditions, it would hope to be able to come to the Council with a figure as to the requirements of the occupied areas that had been unanimously agreed to by the members of IERC. Membership in IERC and the Wheat Council are virtually the same, but it is the responsibility of IERC, rather than the Wheat Council, to recommend the international distribution of wheat on the basis of relative need.

The responsibility of IERC in this connection was recognized by the Special Session in the unanimous adoption of the following resolution which also met the second and third problems mentioned above:

"The Special Session of the International Wheat Council, held in Washington January-March 1948, recognizes that the International Emergency Food Committee of the FAO Council is the appropriate body to recommend the international distribution of wheat and other grains used for human consumption during the continuation of the present severe food emergency, and that international trade in wheat and other grains during this emergency should be in accordance with that Committee's recommendations, provided that the recommended distribution of wheat to no country is less than its guaranteed purchases under the International Wheat Agreement after adjustments, if any, effected in accordance with the provisions of Article V of that Agreement."

Since certain of the importing countries feared that this resolution might be taken by IERC to imply that the countries' total requirements for wheat were covered by their guaranteed purchases under the agreement, the Special Session also unanimously adopted the following resolution:

"The Special Session of the International Wheat Council, held in Washington January-March 1948, hereby instructs its Secretary to inform the International Emergency Food Committee of the FAO Council that as the figures in Annex I to Article II of the International Wheat Agreement, signed in Washington in March-April 1948, do not represent the total requirements of the signatory countries they should not be regarded as a measure of these countries' needs."

The fourth problem was met by the addition of a new paragraph (paragraph 6) to article V on "Adjustment of Obligations". This paragraph states that:

"If, in order to meet a critical need which has arisen or threatens to arise, a contracting Government should appeal to the Council for assistance in obtaining supplies of wheat in addition to its guaranteed quantity, the Council may, by two-thirds of the votes held by the Governments of importing countries and by two-thirds of the votes held by the Governments of exporting countries, reduce the guaranteed import quantities of the other contracting importing countries for the current crop-year, on a *pro rata* basis, by an amount sufficient to provide the quantity of wheat which the Council determines to be necessary to relieve the emergency created by the critical need, provided that the Council agrees that such emergency cannot be met in any other manner."

In view of the fact that the agreement is, in effect, a multilateral bulk-purchase contract, the initial signatories will be limited to those countries which have indicated an intention to participate in it by signifying the quantity of wheat which they are willing to guarantee to sell or purchase pursuant to its provisions. There are 36 such countries, 3 exporting countries and 33 importing countries. These include all of the countries attending the conference with five exceptions, namely: Argentina, Finland, Iran, Pakistan, and Uruguay. Of these, two, Argentina and Uruguay, are members of the present Wheat Council. At the Special Session the Argentine Representative indicated, as he had in London, that his Government was not prepared to accept the provisions in the agreement under which a maximum price would have been established for wheat exported from Argentina.

Uruguay is in a position of having to import wheat in some years and to export wheat in others. During the Special Session a provision was added to the London draft of the agreement (paragraph 2 of article XI) under which a country that is in this position may become a nonvoting member of the Council provided it agrees to supply the Council with the statistical information regarding its transactions in wheat which is required of other participating countries and that it agrees to pay the membership fee determined by the Council. Such a nonvoting member need not sign the agreement but may become a nonvoting member by indicating to the Council its willingness to meet the conditions stated immediately above. Any such country or any other country may become a voting member of the Council by accession in accordance with the provisions of article XXI. This article states that subject to unanimity, any government may accede to the agreement under such condi-

³ By Mar. 25 seven additional countries had signed; Australia, bringing exports covered by countries which had signed to 100 percent, and Belgium, Cuba, New Zealand, Norway, Republic of the Philippines, and Switzerland, bringing imports covered to more than 70 percent.

tions as the Council may lay down. It will, of course, be impossible for any government to accede to the agreement prior to the time it enters into force in respect to the articles dealing with procedural and administrative questions, namely, July 1, 1948. The date on which the articles dealing with substantive questions (quantities, prices, etc.) enter into force is August 1, 1948. In the event of a country acceding to the agreement, the quantity of wheat that the country guarantees to sell or to purchase would be entered in the appropriate annex to article II and a corresponding change would have to be made in the other annex.

Of the countries represented at the Special Session which are not now members of the Wheat Council and which did not indicate their intention during the Special Session of participating in the agreement, Finland is now obtaining her entire requirements of imported wheat from exporting countries that are not members of the agreement, Iran is a small exporter of wheat whose supplies are customarily shipped to nearby countries, and Pakistan, although a relatively large producer of wheat, has customarily shipped its excess wheat to areas which now comprise India.

Although the agreement remains open for signature until April 1, 1948, representatives of 15 countries signed it at the close of the Special Session.² These included two of the three exporting countries—Canada and the United States—13 of the 33 importing countries—China, Columbia, Denmark, Egypt, Greece, India, Ireland, Lebanon, Liberia, Netherlands, Peru, Portugal, and the United Kingdom. The countries which signed the agreement at that time account for more than 80 percent of the wheat covered on the export side and more than 60 percent on the import side.

The agreement is subject to formal acceptance by the signatory governments. It provides (paragraph 2, article XX) that instruments of acceptance shall be deposited with the Government of the United States of America by July 1, 1948; provided, however, that an additional period shall be allowed by the Council for the deposit of instruments of acceptance on behalf of those importing countries which are prevented by a recess of their respective legislatures from accepting it by July 1, 1948. In the case of the United States, the agreement will, of course, be submitted to Congress for approval.

Many administrative problems that must be met before the substantive provisions of the agreement are placed in effect on August 1, 1948. Before these provisions are placed in effect the Council and the participating countries must know whether or not enough countries have formally accepted the agreement to insure its successful operation. For this reason it was decided to place the procedural and administrative provisions in effect on July 1, 1948, and that provision was made (paragraph 3, article XX) that the first meeting of the

new International Wheat Council, which is established by article XI, shall be convened in July 1948 in Washington by the Government of the United States of America. At this meeting any government which has formally accepted the agreement but which is of the opinion that the guaranteed purchases or guaranteed sales of the countries whose governments have formally accepted it are insufficient to insure its successful operation may effect its withdrawal by notification to the Government of the United States. In the event of failure to accept by a government or by governments whose guaranteed purchases or sales are, in the opinion of the governments which have ratified, not of sufficient importance to prevent the effective operation of the agreement, the Council would be required to make adjustments in the guaranteed quantity or quantities in the appropriate annex to article II.

The Council in its final meeting of the Special Session recognized that a considerable amount of work would have to be done between the close of the Session and the first meeting of the new Wheat Council in July 1948. It therefore appointed a Preparatory Committee to make recommendations for the consideration of the new Council, including recommendations on rules of procedure, the records to be kept in accordance with the provisions of article III, the budget for the crop year 1948-49, the work of the new Council's secretariat, and any other draft plans which, in the opinion of the Preparatory Committee, would assist the new Council to make at its July meeting

the arrangements necessary to commence the operation of the agreement on August 1, 1948. Sir Herbert Broadley of the United Kingdom Delegation was appointed chairman of the Committee which includes representatives of the following countries in addition to the United Kingdom: Australia, Brazil, Canada, Egypt, France, India, Benelux, and the United States. The Council provided further that the Preparatory Committee should hold at least three formal meetings, the first and second in London in April and May, respectively, and the third in Washington early in June 1948.

This agreement is the result of an attempt on the part of the participating countries to find a multilateral solution to serious problems in respect of wheat which either exist at present or are expected to arise in the near future. The multilateral approach to such problems is envisioned in the chapter on intergovernmental commodity agreements of the charter for an International Trade Organization which was sponsored by the United States Government and which during the negotiations at the Habana Conference proved acceptable to all the governments that indicated their intention of participating in the organization. From this viewpoint the agreement assumes added importance since it is the first agreement negotiated in the light of the principles regarding commodity agreements that are contained in the ITO charter, and since it will therefore, in a sense, be a test case as to whether the multilateral approach envisioned is capable of being applied in the case of a specific commodity.

Statements, Addresses, and Broadcasts of the Week

The President	Toward securing the peace and preventing war. Printed in this issue.	Address before the Congress on Mar. 17.
The President	On foreign and domestic policies. Not printed. Released to the press by the White House on Mar. 17.	Address made before the Society of the Friendly Sons of St. Patrick in New York City on Mar. 17.
Secretary Marshall	World-wide struggle between freedom and tyranny. Printed in this issue.	Address made in Berkeley on Mar. 19.
Secretary Marshall	On the present world situation. Not printed. Text issued as press release 221 of Mar. 20.	Address made in Los Angeles on Mar. 20.
Secretary Marshall	Relation of military strength to diplomatic action. Printed in this issue.	Statement before the Armed Services Committee of the Senate on Mar. 17.
Assistant Secretary Norman Armour	On questions to be considered at the forthcoming International Conference of American States. Not printed. Text issued as press release 224 of Mar. 20.	Broadcast over the NBC network on Mar. 20.
Philip C. Jessup	On problem of voting in the Security Council. Printed in this issue.	Statement made in the Interim Committee on Mar. 15.
Winthrop G. Brown, Acting Director, Office of International Trade Policy	U.S. foreign economic policy. Not printed. Text printed as Department of State publication 3097.	Address made before the Texas Cotton Association in Corpus Christi on Mar. 19.

March 28, 1948

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THE UNITED NATIONS AND SPECIALIZED AGENCIES

U.S. Position on the Palestine Problem

STATEMENT BY AMBASSADOR WARREN R. AUSTIN¹

U.S. Representative in the Security Council

The resolution adopted by the Security Council on 5 March 1948 requested the permanent members of the Security Council "to consult and to inform the Security Council regarding the situation with respect to Palestine . . ."

A brief report on the above part of the resolution was made this morning. With respect to that report, I wish to comment upon paragraph 4, which reads:

"The Palestine Commission, the mandatory power, the Jewish Agency and the Arab Higher Committee have indicated that the partition plan cannot be implemented by peaceful means under present conditions."

The representative of the Jewish Agency, Dr. Silver, apparently had no complaint with respect to paragraph 4 provided the emphasis was in the right place. He laid the emphasis on the last words, "under present conditions". So do we.

Paragraph 5 of the report given this morning reads:

"The mandatory power has confirmed that a considerable number of incursions of illegal arms and armed elements into Palestine have occurred by land and sea."

For the information of the Security Council, I shall read the testimony obtained from the mandatory power on this point. The members have before them a document submitted by the Secretary-General. The portion which I shall read is found on the ninth page of the document. The questions referred to were addressed to the mandatory power.

"QUESTION 1: Have any incursions by armed elements from outside Palestine occurred in addition to those already reported to the Palestine Commission by the mandatory power?"

The members will note that the incursions referred to are in addition to those already reported. The following is the answer given to question 1.

"ANSWER 1: The following information is now available in addition to that already supplied:

"(a) On or about 24 February, between 500 and

1000 Iraqis, Lebanese, Syrians, Egyptians and Transjordanians entered Samaria and Galilee across the Jordan and the Palestine-Lebanon frontier.

"(b) A band of up to 500 Yugoslavs presumed to be Bosnian Moslems were reported en route to the Lydda District during the first week of March.

"(c) On the 5th/6th March, a small party under Fawzi Bey Kawukji entered Palestine. Kawukji's present whereabouts and intentions are unknown, and no report of his having established a permanent headquarters have been received by the British authorities.

"(d) Numbers of Egyptians have entered Gaza District in parties of up to 100 at a time. It is possible that other smaller contingents have entered unreported."

"QUESTION 2: Has the mandatory power been able to identify personnel involved in such incursions?"

"ANSWER 2: The information of the Palestine authorities regarding the origin of personnel involved in these incursions is derived from common knowledge available locally and from intelligence reports. As regards the character of these forces, they consist of irregular formations and not organized units of any national armed force."

I shall skip question 3 as it does not bear on this point.

"QUESTION 4: Are arms now flowing into Palestine from outside sources to individuals or groups unauthorized by the mandatory power to possess arms?"

"ANSWER 4: Both Arabs and Jews in Palestine are now receiving illicit consignments of arms from outside sources. While the Palestine Government have no exact knowledge of the quantity and description of arms possessed by either side, it is their opinion that the Jews are better armed than the Arabs. In this connection it will be recalled that there have recently been instances of the seizure in the United States by United States authorities of large consignments of high explosives destined for Jewish organizations in Palestine.

"As regards the possibility which has been suggested of illicit importation of arms by aircraft landing in the desert, the Palestine Government

¹ Made in the Security Council on Mar. 19, 1948 (U.N. doc. S/P. V. 271, Mar. 19, 1948).

consider this unlikely. Such clandestine importation by air would, however, be easier for the Jews than for the Arabs, in view of the better facilities possessed by the former for wireless communication and for distribution of arms after receipt.

"QUESTION 5: What measures, military and civil, by the mandatory power are now in effect to prevent the movement of hostile elements into Palestine from outside Palestine?"

"ANSWER 5: The principal points of entry by land are guarded by troops or police, but owing to the length of the frontier and the difficult nature of the terrain, it is impossible for frontier control to be one hundred per cent effective. As regards the sea frontier, the measures taken by the mandatory authorities to prevent the entry of Jewish illegal immigrants are well-known."

The preamble of part II of my statement of this morning reads:

"1. As a result of the consultations of the permanent members regarding the situation with respect to Palestine, they find and report that a continuation of the infiltration into Palestine by land and by sea of groups and persons with the purpose of taking part in violence could aggravate still further the situation."

This language was intended to exclude, and we think that it does exclude, those unfortunate people who are seeking sanctuary in the Holy Land, referred to as being on the Island of Cyprus. There may also be others. The language of this paragraph also excludes legal immigrants. The meaning is clearly defined: "groups and persons with the purpose of taking part in violence."

The second duty under the Resolution adopted by the Security Council was for the permanent members to make recommendations to the Security Council, as a result of their consultations, regarding the guidance and instructions which the Security Council might usefully give to the Palestine Commission with a view of implementing the Resolution of the General Assembly.

In support of the position which some of the permanent members of the Security Council took, as presented in the brief report this morning, it might be helpful to the Security Council for me to summarize briefly the present positions, as we understand them, of the Palestine Commission, the mandatory power, and the Jews and Arabs of Palestine, concerning the implementation of the partition plan recommended by the General Assembly.

During the consultations of the past two weeks, the Palestine Commission was asked whether it had found sufficient acceptance of the partition plan on the part of the Jews, the Arabs and the mandatory power, to afford a basis for its peaceful implementation. The answer of the Palestine

Commission was "No." It observed, in this connection, that the Jews of Palestine generally accepted the plan, that the Arabs of Palestine generally opposed the plan; and that the mandatory power had declined to take any action which might be interpreted as involving implementation of the plan.

The Palestine Commission has repeated its view that it could not discharge its responsibilities on the termination of the mandate without the assistance of an adequate non-Palestinian armed force for the preservation of law and order. The Palestine Commission does not consider it possible to implement the plan by peaceful means either as a whole or in substantial part so long as the existing vigorous Arab resistance to partition exists.

The Palestine Commission considered itself unable, within the terms of the Resolution of the General Assembly, to consider whether any modification of the recommended plan might offer a basis for agreement among the people of Palestine.

With regard to the establishment of the provisional council or councils of government in the proposed Jewish and Arab States by 1 April 1948, the Palestine Commission has concluded: (a) that the attitude of the Arab Higher Committee and Arab resistance in Palestine preclude any possibility of selecting a provisional council of government for the proposed Arab State by 1 April, (b) that while the Palestine Commission can take and has in fact taken some preliminary steps toward the selection of the provisional council for the Jewish State, the provisional council will not be able to carry out its functions, in the sense of the plan, prior to the termination of the mandate, (c) the position of the mandatory power precludes any possibility of fulfilling by 1 April the provisions of the plan as regards either the Arab or the Jewish provisional council of government.

With regard to the City of Jerusalem, the Palestine Commission's view is that the administration of the City of Jerusalem by the United Nations is possible if the plan of partition with economic union is generally accepted by the Arab and Jewish communities of Palestine and peacefully implemented.

The permanent members of the Security Council held two discussions with the representative of the mandatory power last week. One of these was devoted to security problems, and the other to the implementation of the partition plan.

From the information supplied by the mandatory government, it appeared that several thousand Arabs have entered Palestine in bands of varying size, and have infiltrated the Palestinian population. The identification of these Arabs has not been firmly established, but it appears to be common knowledge in Palestine that they include nationals of most of the neighbouring Arab States and that they have entered from Lebanon, Syria, Transjordan, and Egypt. The United Kingdom

reports that these bands are irregular formations and are not organized units of any national armed force.

The representative of the mandatory power was asked whether his Government considers that there is a threat of force against Palestine which now constitutes a threat to international peace, and also whether the existing situation in Palestine is a situation which constitutes a threat to the peace. He replied that his Government would furnish all the facts available but that the question of what constitutes a threat to the peace is for the Security Council to decide.

In response to questions concerning implementation of the General Assembly recommendation, the mandatory power stated that it has "accepted" the Plan of Partition with economic union recommended by the General Assembly, but that it cannot participate in its implementation. While it wished to avoid any action which might be considered as obstructive, it could not itself be instrumental in putting into effect a plan which is not accepted by both the Arabs and the Jews of Palestine.

The representative of the mandatory power informed the permanent members that his Government considered that it would be very difficult to carry out the Plan without the backing of force; that even if the Jewish militia were sufficiently armed to ensure the organization and protection of the Jewish State, such action would not be the equivalent of a settlement; that the United Kingdom did not believe that there were any modifications in detail which would make the Plan acceptable both to the Jews and Arabs of Palestine; and that no change in the timetable of British withdrawal from Palestine is contemplated by the United Kingdom. The representative of the United Kingdom further stated that his Government had no suggestions to make with regard to means by which the Jews and Arabs of Palestine might be brought together although successful efforts in this direction would be welcomed.

Representatives of the mandatory Government further indicated that there would be a very substantial deficit in the Palestinian budget following British withdrawal and that, while the Palestinian Government has been financially self-sufficient, the cost of maintaining British forces in Palestine is considerably larger than the total Palestinian budget of \$96,000,000 annually.

Representatives of the Jewish Agency stated that the Jews of Palestine accept the partition Plan. The Agency claimed that the Plan represents, however, an irreducible minimum for the Jews of Palestine since it already involves a great reduction in what they consider their rightful claims. Also that, although there is no perfect or easy solution, the present Plan is the only practical solution reached after many other plans had failed

of acceptance. The Agency representatives stated that it should now be taken as a postulate that any plan whatever will require enforcement. No modifications in the Plan would commend themselves to the Jews and the Jewish Agency does not see any possibility of modifications which would make the Plan acceptable to the Arabs.

The Jewish Agency stated that the Jews of Palestine would be ready to undertake the responsibilities for government and for the maintenance of law and order within the proposed Jewish State. They expressed confidence that they could assert the authority of the Jewish State and maintain essential public services. This would presuppose the establishment and equipment of the militia contemplated in the Plan and the removal of restrictions on the importation of arms. They believe that an international force would be necessary, and that if no international force were provided, much more serious losses both to Arabs and Jews would result.

On the question of implementation by peaceful means, the Jewish Agency stated that it did not believe it would be possible to obtain a formal public agreement with the Arabs of Palestine in advance of implementation. They believed, however, that if left alone, considerable sections of Palestinian Arabs would be willing to co-operate or acquiesce; but that armed intervention by neighbouring states completely changed that situation.

With respect to economic union, the Jewish Agency stated that they accepted economic union as a part of the Plan although they themselves did not ask for it. The Agency does not consider the principles of the proposed economic union essential to the economic life of Palestine as a whole or to creation of the Jewish State. The Agency considers that economic union should not be an obstacle to the creation of the Jewish State.

The representatives of the Jewish Agency stated that the Jews would co-operate in the administration of Jerusalem by the United Nations considered, however, as part of the Partition Plan. That United Nations administration of Jerusalem apart from the Plan would create a serious obstacle to such co-operation.

The Jews insist upon having the control of immigration, because that is a question of sovereignty and is a most essential part of the whole scheme. The Jews, they said, must have the keys to their own homeland in their own hand. The exclusive control of immigration was the most powerful argument in persuading the Jews to accept the Partition Plan. They had in mind a rate of immigration of 80,000 to 100,000 a year—roughly 1,000,000 over a ten-year period—subject to changing positions both inside the Jewish State and in areas outside. They pointed out that there is no longer a great reservoir of Jews in Europe and that Arab fears that Palestine would be inundated can no longer be considered as well grounded.

A representative of the Arab Higher Committee made a formal statement on behalf of the Committee which observed that all of the questions which had been directed to the Committee revolved around partition which, with the clear and unequivocal support of Arab States, the Arabs of Palestine have categorically rejected. This statement went on to say that the Arab Higher Committee wished to reiterate its rejection of solutions based on partition in any form, including creation of a separate provisional or permanent administration for the City of Jerusalem.

The Arab Higher Committee further wished to emphasize that the only solution compatible with the ideals of the United Nations Charter and which would guarantee peace and security in Palestine would be the formulation of one independent state for the whole of Palestine whose constitution would be based on democratic principles and which would include adequate safeguards for minorities and the safety of the Holy Places. The Arab Higher Committee stated, in this connection, that such a state would be prepared to accept full responsibility for governmental administration and maintenance of law and order in the whole of Palestine and that it would be prepared to treat all citizens and residents of all creeds with justice which befits a truly democratic country.

An identical question was submitted to the Jewish Agency, the Arab States, and the Arab Higher Committee, viz: "Would the addressee"—different in each case—"be prepared to enter into the necessary agreement for an effective truce in Palestine?" Summarized, the replies were as follows: The Jewish Agency: Yes, if carried out within the framework of implementation of the Resolution of the General Assembly and in strict conformity with the timetable provided in that Resolution. The Arab States: Yes, if partition is suspended. No reply has been received from the Arab Higher Committee to that question. However, that Committee has categorically rejected partition.

Having considered the results of the consultations of the past two weeks, we must also reflect upon the situation in Palestine on 15 May 1948, on which date the mandatory power now plans to terminate the Mandate.

In his statement to the Security Council on 24 February 1948, the Representative of the United Kingdom said:

"My Government are bringing to an end the discharge of their responsibilities towards Palestine under the mandate and are leaving the future of that country to international authority."

On 2 March 1948, the Representative of the United Kingdom referred, in his statement to the Security Council, to:

"... whatever procedure the United Nations may decide to adopt with a view to assuming responsibility for the Government of Palestine on 15 May . . ."

He concluded with the statement:

"Finally, I must repeat that the United Kingdom must not enter into any new or extended commitment in regard to Palestine. Our contribution has already been made over the years and the date of termination of responsibility is irrevocably fixed."

The status of Palestine will be equivocal because the United Kingdom seeks to give up the mandate. Article 5 of the mandate in respect of Palestine provides:

"The mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the government of any foreign power."

In the premises there is the urgent need for early clarification of the United Nations responsibility toward Palestine. The General Assembly and the Security Council have broad responsibilities and fidelity to the principles of justice and the aims of the Charter to assist in bringing about a pacific settlement of situations and disputes placed before them. The Security Council has specific obligations and powers where it finds a threat to the peace, breach of the peace, or act of aggression. I have already dealt, in my statements to the Security Council on 24 February and again on 2 March, with these responsibilities.

The assumption of administrative or governmental responsibility by the United Nations is another matter. If the United Nations is to act as a government, a large administrative task is involved. The Organization itself becomes directly responsible for all phases of the life of the people over whom such powers are exercised. It is a formidable responsibility, and a heavy financial commitment is incurred by all fifty-seven members of the Organization.

The United Nations does not automatically fall heir to the responsibilities either of the League of Nations or of the mandatory power in respect of the Palestine mandate. The record seems to us entirely clear that the United Nations did not take over the League of Nations mandate system.

The League of Nations Assembly on 18 April 1946, at its final session, passed a resolution which included the following two paragraphs:

"THE ASSEMBLY . . .

"3. RECOGNIZES THAT, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII, and XIII of

¹ U.N. doc. S/P. V. 260, pp. 49-50.

the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League;

"4. TAKES NOTE of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective mandates,"—note these words—"until other arrangements have been agreed upon between the United Nations and the respective mandatory powers."

At the First Part of the First Session of the United Nations General Assembly, on 12 February 1946, the General Assembly passed a resolution regarding the transfer of certain functions, activities, and assets of the League of Nations to the United Nations. No transfer of functions concerning mandates was mentioned. The resolution included the statement that:

"The General Assembly will itself examine, or will submit to the appropriate organ of the United Nations, any request from the parties that the United Nations should assume the exercise of functions or powers entrusted to the League of Nations by treaties, international conventions, agreements, and other instruments having a political character."

Provision was made in the United Nations Charter for the voluntary placing of mandates under a trusteeship system by means of trusteeship agreements between the General Assembly or the Security Council and the states directly concerned, including the mandatory power. By such an agreement, the United Nations itself, under article 81 of the Charter, could become the administering authority for a trust territory. But no such proposal has been made by the mandatory power with respect to Palestine, and no action has been taken by the United Nations itself which would have that result.

A unilateral decision by the United Kingdom to terminate the Palestine mandate cannot automatically commit the United Nations to responsibility for governing that country. We think it clear that the United Nations does not succeed to administrative responsibility for Palestine merely because the latter is a mandate. Signing the Charter did not commit the signatories to a contingent liability for mandates, to become operative by the decisions of mandatory powers to abandon their mandates. On the facts reported by the permanent members, Palestine is a land falling under chapter XI of the United Nations Charter, a non-self-governing territory.

Does the General Assembly recommendation of 29 November 1947 constitute an acceptance by the United Nations of governmental responsibility for Palestine? Let us examine the facts.

On 2 April 1947, the United Kingdom directed

a request to the Secretary-General of the United Nations, the first part of which states:

"His Majesty's Government in the United Kingdom request the Secretary-General of the United Nations to place the question of Palestine on the agenda of the General Assembly at its next regular annual session. They will submit to the Assembly an account of their administration of the League of Nations mandate and will ask the Assembly to make recommendations, under article 10 of the Charter, concerning the future government of Palestine."

Thus, the question of Palestine came before the General Assembly only as a request for a recommendation. No proposal was made by the United Kingdom to the General Assembly that the United Nations itself undertake responsibility for the government of Palestine.

Following consideration of the question of Palestine in a special session, in a special committee—UNSCOR—and at its Second Regular Session, the General Assembly passed a resolution which recommended "to the United Kingdom, as the mandatory power for Palestine, and to all other members of the United Nations, the adoption and implementation, with regard to the future government of Palestine, of the plan of partition with economic union" set forth in the resolution.

Under the plan, the United Nations agreed, as a part of the recommended general settlement, to undertake administrative responsibilities for the City of Jerusalem. Further, the General Assembly agreed that a commission elected by it would perform certain functions to effect the transfer of responsibility from the mandatory power to the successor governments in Palestine. The limited responsibilities of the United Nations set forth in the plan are inseparable from the balance of the plan and are dependent upon the adoption and implementation of the entire plan. This essential unity of the General Assembly recommendation was emphasized by the Chairman of the Palestine Commission in his statement to the Security Council on 24 February. I quote from that very able statement:

"I have put some stress upon the words 'plan of partition as it has been envisaged by the General Assembly' since it is with the implementation of such plan that our Commission has been entrusted. It is quite natural—and legitimate—for interested parties to concentrate their efforts preponderantly—if not exclusively—on such parts of the plan as are intended more especially for their sake. The Commission is not in such a position; its duty, according to its terms of reference, is to provide for the implementation of the whole plan which has been conceived by the General Assembly as a whole . . .

" . . . Since the plan has been envisaged as

a whole, the realization and sound functioning of one part of the plan has been made, in a substantial degree, dependent upon the establishment and functioning of its other parts."

The limited functions which the General Assembly offered to undertake in connection with its Palestine recommendation stand or fall with that resolution. If it proves impossible to give effect to that resolution, the United Nations will have on 15 May 1948 no administrative and governmental responsibilities for Palestine, unless further action is taken by the General Assembly.

The plan proposed by the General Assembly was an integral plan which would not succeed unless each of its parts could be carried out. There seems to be general agreement that the plan cannot now be implemented by peaceful means. From what has been said in the Security Council and in consultations among the several members of the Security Council, it is clear that the Security Council is not prepared to go ahead with efforts to implement this plan in the existing situation. We had a vote on that subject and only five votes could be secured for that purpose.

The Security Council now has before it clear evidence that the Jews and Arabs of Palestine and the mandatory power cannot agree to implement the General Assembly plan of partition through peaceful means. The announced determination of the mandatory power to terminate the mandate on 15 May 1948, if carried out by the United Kingdom, would result, in the light of information now available, in chaos, heavy fighting and much loss of life in Palestine. The United Nations cannot permit such a result. The loss of life in the Holy Land must be brought to an immediate end. The maintenance of international peace is at stake.

The United States fully subscribes to the conclusion reached by the four permanent members that the Security Council should make it clear to the parties and governments concerned that the Security Council is determined not to permit the situation in Palestine to threaten international peace and, further, that the Security Council should take further action by all means available to it to bring about the immediate cessation of violence and the restoration of peace and order in Palestine.

Under the Charter, the Security Council has both an inescapable responsibility and full authority to take the steps necessary to bring about a cease-fire in Palestine and a halt to the incursions being made into that country. The powers of articles 39, 40, 41 and 42 are very great, and the Security Council should not hesitate to use them—all of them—if necessary to bring about peace.

In addition, my Government believes that a temporary trusteeship for Palestine should be established under the Trusteeship Council of the United Nations to maintain the peace and to afford

the Jews and Arabs of Palestine, who must live together, further opportunity to reach an agreement regarding the future government of that country. Such a United Nations trusteeship would, of course, be without prejudice to the character of the eventual political settlement, which we hope can be achieved without long delay. In our opinion, the Security Council should recommend the establishment of such a trusteeship to the General Assembly and to the mandatory power. This would require an immediate special session of the General Assembly, which the Security Council might call under the terms of the Charter. Pending the meeting of the special session of the General Assembly, we believe that the Security Council should instruct the Palestine Commission to suspend its efforts to implement the proposed partition plan.

I shall now read three propositions which are being submitted by the United States. I am not making any representation for any other one of the permanent members. The United States propositions are contained in a paper entitled "Additional Conclusions and Recommendations Concerning Palestine", which has been circulated to the members. It reads as follows:

"1. The plan proposed by the General Assembly is an integral plan which cannot succeed unless each of its parts can be carried out. There seems to be general agreement that the plan cannot now be implemented by peaceful means.

"2. We believe that further steps must be taken immediately not only to maintain the peace but also to afford a further opportunity to reach an agreement between the interested parties regarding the future government of Palestine. To this end we believe that a temporary trusteeship for Palestine should be established under the Trusteeship Council of the United Nations. Such a United Nations trusteeship would be without prejudice to the rights, claims or position of the parties concerned or to the character of the eventual political settlement, which we hope can be achieved without long delay. In our opinion, the Security Council should recommend the establishment of such a trusteeship to the General Assembly and to the mandatory power. This would require an immediate special session of the General Assembly, which the Security Council should request the Secretary-General to convoke under article 20 of the Charter.

"3. Pending the meeting of the proposed special session of the General Assembly, we believe that the Security Council should instruct the Palestine Commission to suspend its efforts to implement the proposed partition plan."

Draft resolutions which would give effect to the above suggestions will be circulated shortly for the consideration of the Security Council.

STATEMENT BY SECRETARY MARSHALL¹

The position of the United States on Palestine was stated by Ambassador Austin in the Security Council on Friday.

The course of action with respect to the Palestine question which was proposed on March 19 by Ambassador Austin appeared to me, after the most careful consideration, to be the wisest course to follow. I recommended it to the President, and he approved my recommendation.

The primary and overriding consideration in that situation is the need to maintain the peace and to prevent chaos and wide-spread disorder upon the termination of the mandate on May 15, 1948. We believe that the United Nations should do everything it can to bring the fighting to an end and save the lives of the men, women, and children which would be lost in the bitter fighting which could otherwise be expected to follow the withdrawal of British troops.

The grave international situation which the President described in his message to the Congress on March 17 further emphasizes the compelling importance of preventing the outbreak of open warfare in Palestine. The interest of the United States in a peaceful settlement in Palestine arises not only out of deep humanitarian considerations but also out of vital elements of our national security.

The United States supported the partition plan for Palestine in the General Assembly last autumn.

Since that time we have explored every possibility of a peaceful implementation of that recommendation. We sought to have the Security Council accept the plan as a basis for its own action in the matter. This it refused to do on March 5, 1948. We then sought to find through consultations among the five principal powers some basis of agreement on which the partition plan might go forward by peaceful means. These consultations were unsuccessful in developing any measure

of agreement between the Jews and Arabs of Palestine or any substantial agreement among the permanent members as to how the Security Council might proceed. Informal consultations with other members of the Council have made it clear that the Security Council would not now pass a resolution to proceed with partition. In addition to efforts within the United Nations we have attempted by diplomatic means to obtain a wider degree of acceptance of the recommendation of the General Assembly. These efforts did not lead to any substantial result.

We are faced, therefore, with the prospect that the United Kingdom will abandon the mandate of Palestine on May 15, 1948, and that no successor government will be in position on that date to maintain law and order.

A truce is essential. A military truce cannot be achieved under existing circumstances without a parallel truce in the political field. A political truce, however, would bring us up to May 15 without elementary arrangements for keeping order in that situation.

The United States suggestion is that a temporary trusteeship should be established in order to maintain the peace and to open up the way to an agreed settlement. This trusteeship could be ended as soon as a peaceful solution can be found. The trusteeship itself would be established without prejudice in any way to the eventual political settlement which might be reached for Palestine.

The United States has repeatedly stated that we are seeking a solution for Palestine within the framework of the United Nations and that we are not going to act unilaterally in that matter. The proposal for a temporary United Nations trusteeship, without prejudice to the ultimate solution, made by this Government, is the only suggestion thus far presented which appears to offer any basis for action by the United Nations to meet the existing situation in Palestine.

Current United Nations Documents: A Selected Bibliography⁴

Trusteeship Council

Second Session. Draft Statute for the City of Jerusalem. T/118, Jan. 26, 1948. 29 pp. mimeo.

¹ Made at a press conference in Los Angeles, Calif., on Mar. 20, 1948, and released to the press on the same date.

⁴ Printed materials may be secured in the United States from the International Documents Service, Columbia University Press, 2960 Broadway, New York City. Other materials (mimeographed, or processed documents) may be consulted at certain designated libraries in the United States.

Report of the Working Committee on Jerusalem. T/122, Feb. 16, 1948. 14 pp. mimeo.

Trusteeship Agreement for the Territory of Nauru printed in English and French. 4 pp. [15¢.]

Official Records. First Year, First Session. From the First Meeting (26 March 1947) to the Twenty-seventh Meeting (28 April 1947). x, 741 pp. [\$7.50]

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Official Records, Second Year. No. 2, Twelfth meeting. June 11, 1947. 19 pp. printed. [20¢.]

Department of State Bulletin

Chilean Request for Reference of Item Regarding Czechoslovakia to the Security Council

LETTER FROM THE REPRESENTATIVE OF CHILE¹

SIR, The Government of Chile has noted that on 10 March Mr. Jan Papanek, Permanent Representative of Czechoslovakia accredited to the United Nations, sent you a communication requesting that the Security Council should consider the events which had taken place in his country since 22 February last on the grounds that they constitute a situation endangering the maintenance of international peace and security.²

In the said note Mr. Papanek says that the political independence of Czechoslovakia, a Member of the United Nations, has been violated by the threat of the use of force by another Member of the United Nations, the Union of Soviet Socialist Republics. He goes on to say that a minority in his country, encouraged and given promise of help by the Government of the Union of Soviet Socialist Republics, usurped power by eliminating the constitutional system of Government, violating personal guarantees and trampling under foot the public liberties established by the Constitution, in the manner described in his letter. He also says that this *coup* was effectuated successfully only because of "official participation of representatives of the Union of Soviet Socialist Republics and the threat of the use of military force of the Union of Soviet Socialist Republics in readiness on the northwest boundaries of Czechoslovakia".

¹ U.N. doc. S/694, Mar. 12, 1948.

² In a letter, dated Mar. 15, 1948, and addressed to the Secretary-General (U.N. doc. S/696, Mar. 16, 1948), the Permanent Representative of Chile inserted the text of the presentation prepared by the Permanent Representative of Czechoslovakia on Mar. 10, 1948, which reads as follows:

"On February 25 I had the honor to discuss the development in Czechoslovakia with you. I mentioned my position and an eventual investigation by the Council. After my conversation with you, I decided to postpone any action or decision, but to await further developments and allow time for more direct information from Czechoslovakia.

"Today I feel that I can no longer postpone action without failing to do my duty to my country and my terrorized, silenced and enslaved people and I take recourse to the provision of the Charter of the United Nations in a specific situation, a situation in which one member of the United Nations has violated the independence of another.

"The Government of the Czechoslovakia Republic, legally constituted by the general parliamentary elections of May 1946, has been undermined and openly placed in jeopardy on February 22, 1948, through force by a Communist minority. This Communist minority was encouraged and given promise of help, if necessary, by the repre-

In the opinion of the Permanent Representative of Czechoslovakia, these facts involve a violation of the Treaty of Friendship and Mutual Assistance of 12 December 1943, constitute an obvious threat to world peace and security and a flagrant violation of Article 2, paragraph 4, of the San Francisco Charter. The Security Council should therefore investigate them, in accordance with Article 34 of the Charter.

My Government has been informed that you have refused the request of the Permanent Representative of Czechoslovakia, because you consider it as coming from a non-governmental organization and not, therefore, as a communication from a Member State.

Without wishing to give an opinion on the propriety of the step you have taken with regard to the Czechoslovak Representative's request, and without implying that I accept his status as a private individual and not the legitimate representative of his Government, as you have suggested, I have the honour on behalf of Chile, which I represent before the United Nations, on personal and direct instructions from the President of the Republic, to request you to refer the question raised by the Permanent Representative of Czechoslovakia in the above-mentioned letter, to the

representatives of the Government of the Union of Soviet Socialist Republics who came to Praha for that purpose, led by V. A. Zorin, Deputy Minister of Foreign Affairs.

"The political independence of Czechoslovakia, a member of the United Nations, has thus been violated by threat of use of force of another member of the United Nations, the Union of Soviet Socialist Republics, in direct infringement of Paragraph 4, Article 2 of the Charter.

"As representative of the Sovereign state of Czechoslovakia, I bring this situation, referred to in Article 34 of the Charter, to the attention of Security Council, asking its investigation, as one that is suppressing freedom and independence of Czechoslovakia, and which is likely to endanger the maintenance of international peace and security.

"It is very clear that the *coup* by the Communist minority by force was effectuated successfully only because of official participation of representatives of the Union of Soviet Socialist Republics and because of the threat of the use of military force of the Union of Soviet Socialist Republics in readiness on the north-west boundaries of Czechoslovakia. Official and military representatives of the Union of Soviet Socialist Republics participated in closed and public meetings of the Communist party and stayed long enough to see organized terror take hold of the free democratic Czechoslovakia people. Pictures taken in the streets of Prague, published in the world press, show

March 28, 1948

Security Council, for the purposes set forth in that letter.

In making this request, I am using the right conferred by Article 35, paragraph 1, of the Charter on all Members of the United Nations.

The Chilean Government considers that the responsible and authoritative accusation of the Permanent Delegate of Czechoslovakia is of such a serious nature that a mere reason of formality, such as the alleged lack of status of Mr. Papanek, cannot be allowed to prevent the institution whose specific task is to safeguard world peace and security, from making the necessary investigations to prove the truth of this accusation. If the events mentioned in Mr. Papanek's denunciation prove to be true—and everything seems to indicate that they are—it would mean that the world is again facing an exact repetition of the actions and methods which were employed by Nazi Germany in the years preceding the last World War, and were its immediate cause. It would therefore

the officers of the Soviet Union with armed police, clad in new Czechoslovak uniforms, participating in the meetings and demonstrations.

"Since the *Coup* of the Communist minority, the President of the Republic has not been permitted to make any public appearance, or public utterance, has been allowed to receive no visitors, except Vabrian Zorin, the Deputy Foreign Minister of the Soviet Socialist Republics whom he refused to receive, and is not a free agent, while the Communist usurpers spread terror and break every law which establishes and protects the freedom of men and democratically established institutions, even while they say they are carrying out the will of the people.

"The Constitution of Czechoslovakia, adopted in 1920, states that the people are the sole source of state power and provides for general secret elections through which the people express their will. Masses of people driven by terror and the threat of the loss of their jobs into public squares of Czechoslovak cities and towns to demonstrate or to strike, cannot be considered as expressing the will of the people. Yet, claiming that such demonstrations with the participation of official and military representatives of the Union of Soviet Socialist Republics express the will of the people, a minority party usurped the power of the government of Czechoslovakia and is imposing its rule upon all the people without regard for the Constitution or the law.

"The President is prevented from executing his constitutional powers. Political parties have been forced to change their leaders. Many regularly elected members of Parliament have not only been removed from Office, but deprived of their Parliamentary immunity. Many have been brutally beaten and jailed. University professors, judges, high officials in all governmental departments who refuse to bow to the communist dictatorship have been dismissed or demoted. Students who refuse to pledge loyalty to the new "order" are expelled from the universities. The rights and privileges of citizens guaranteed by the Constitutions are being flagrantly violated. The Official lists of names of individuals faithful to the democratic principles who have been arrested without legal grounds are increasing daily. Personal liberty is restricted. Many dismissed intellectuals are forced to manual labour. The right of private ownership of property is violated. To travel or emigrate is prohibited except for the chosen few. The inviolability of the home no longer exists. The freedom of the press has been

mean that world peace and security are in imminent danger both on account of an international act contrary to the Charter committed by one Member State against another, and on account of a serious violation of the principles of democracy, respect for human dignity and individual freedom, indicated in the San Francisco Charter as being inseparable from the maintenance of peace, and one of the principal purposes of the United Nations.

My Government considers that the United Nations is under the unavoidable obligation to act in this situation, using all the means allowed by the Charter to prevent, before it is too late, these actions and methods from completing the execution of a plan, the intentions and range of which are not difficult to forecast.

As part of the American community, which has achieved enviable progress in the elimination of methods of violence, aggression and conquest, whose peoples live according to principles of

abolished. Many newspapers and periodicals have been discontinued, their editors dismissed and forbidden ever to write for any press again, among them, Dr. Levy Sycrava, editor-in-chief of one of the most liberal independent Prague dailies, who fought for Czechoslovakian independence in World War I, spent 68 months in concentration camps in Germany during World War II, is Czechoslovakia's representative on the sub-commission on Freedom of Information and the Press, and returned to Prague from Lake Success only a few weeks ago. The right of assembly, of petition, and freedom of expression no longer exists.

"The Constitution of Czechoslovakia is flagrantly violated in letter and spirit, not only by the manner in which this present so-called "people's democracy" of the Communist pattern was established but in its every action. It is not only unconstitutional and illegal, but it is not government. It is an instrument used by the Union of Soviet Socialist Republics.

"Munich, in September, 1938, and the occupation of all of Czechoslovakia six months later laid bare to the world the plans of Germany for further conquests. The tragedy of the Communist *coup* in Czechoslovakia, planned and executed with the help of officials and the military of the Union of Soviet Socialist Republics reveals the insincerity of Premier Stalin who personally promised President Benes in March, 1945, in Moscow, that Czechoslovakia would always be free to develop democratically internally, that the Union of Soviet Socialist Republics wanted only to have friendly neighbours on all its borders and that their foreign policies would follow a common plan. The treaty of Friendship, Mutual Assistance and Postwar Co-operation concluded between the Union of Soviet Socialist Republics and Czechoslovakia on December 12, 1943, stipulated in Article 4 that the contracting parties shall respect each other's independence and sovereignty and shall not interfere in the internal matters of the other state. Czechoslovakia, its government and people lived up to the letter and spirit of the treaty. The violation of this agreement and treaty on the part of the Union of Soviet Socialist Republics shakes the very foundations of peace and security, not only of Czechoslovakia, but of Europe and the World.

"Therefore, as representative of the sovereign, democratic Republic of Czechoslovakia, I request that this situation which enslaves the people of Czechoslovakia, and endangers international peace and security be brought to the Security Council for consideration."

human solidarity, Chile cannot remain indifferent before the events described by the representative of Czechoslovakia. No country which is a Member of the United Nations, however small or however remote from the theatre of events in question, can evade the responsibilities of solidarity deriving from the Charter and from the conviction that another world war would be a catastrophe whose consequences no part of the world could escape. In taking the present attitude, my Government believes that it is making the only possible contribution, within its limited means and the present circumstances, to the common task of preventing this disaster. It believes also that it is thereby fulfilling its duty, as a signatory to the San Francisco Charter, of ensuring that the Organization affirms its status as a decisive instrument for the maintenance of world peace. It is not difficult to forecast that failure by the United Nations to intervene in the situation before us would result in loss of its prestige and a consequent reduction of its future effectiveness. The Chilean Government's attitude, therefore, is motivated by its devotion to the United Nations' cause and its sincere respect for democracy and human dignity.

But there is another moral reason which leads my Government to sponsor the Czechoslovak delegate's request that his country's case should be investigated and considered. In October last Chile was obliged to sever diplomatic relations with the Union of Soviet Socialist Republics and with Yugoslavia, because those countries were interfering in her internal affairs (trying to disrupt and hamper production of the basic raw materials such as copper and nitrates, which Chile exports to friendly countries) through the illegal revolutionary action of a national group working in their interest. The objects of this action, which coincide completely with those of her intervention in Czechoslovakia, demonstrate the extent and nature of the Union of Soviet Socialist Republics' plans and prove that neither geographical situation nor greater or lesser degrees of strength or size, or a country's love of peace, or indifference to it, are factors which can have any influence in enabling a country to avoid becoming involved in a conflict such as a great power like the Union of Soviet Socialist Republics might undertake. Thus the Chilean Government on that occasion most reluctantly felt obliged to extend its sever-

ance of relations to the Czechoslovak Government. It did so because it had proof that agents of that Government were taking part alongside those of the other countries mentioned, in truly aggressive activities, by paralyzing the economic life of Chile, as I have stated. The Chilean Government understood that this was happening without the knowledge of President Benes and Mr. Masaryk, his Minister for Foreign Affairs, whose democratic and pacifist opinions have always been beyond doubt, and that it was merely the international manifestation of action being taken inside the country by elements which, shielded by the democratic National Coalition Government, were preparing the *coup* of 22 February. However, we were obliged to break off our traditional friendly relations with Czechoslovakia, in defence of our elementary duty to defend the country against the intervention of foreign powers desirous of disturbing production and overthrowing the democratic constitutional regime which Chile has enjoyed since achieving her independence.

Now that events have proved the rightness of the Chilean point of view and justified the true reasons which led my Government to take such steps, we wish to render homage to the noble Czech people—for whom we feel a deep admiration and respect—by supporting in our capacity as a Member of the United Nations, the just demands made in their name by their Permanent Representative to the United Nations.

In view of the foregoing considerations, I repeat to you, in the name of my Government, our request that the case be brought before the Security Council, in order that, in accordance with Article 34 of the United Nations Charter, it may investigate the events reported by the Permanent Representative of Czechoslovakia, Mr. Jan Papanek, which constitute a threat to international peace and security.

I also request you to communicate to the Security Council, our petition that, in conformity with Article 31 of the Charter, my country be invited to participate in the discussion of this matter, when it is brought before the Security Council.

I have the honour to be [etc.]

HERNAN SANTA CRUZ

*Ambassador, Permanent Representative of
Chile to the United Nations.*

STATEMENT BY AMBASSADOR WARREN R. AUSTIN¹

U.S. Representative in the Security Council

A decision on the question now pending is not a decision on the substance, and it will not constitute a judgment upon the merits. But when the question is raised, as it is here, as to whether an item should be placed on the agenda for discussion or not, there must be a consideration of the character of the question in order to learn whether the

competence of the Security Council reaches the item.

¹ Made in the Security Council on Mar. 17, 1948, and released to the press by the U.S. Mission to the United Nations on the same date. At the time of going to press only an unofficial transcript of remarks was available. For text of remarks see U.N. doc. 5/P. V. 268, Mar. 17, 1948.

Now, here we have charges made in a formal complaint which are grave and which involve two members of the United Nations, and now we have countercharges. Briefly, the item involves this issue: On its face the Chilean complaint, by reference to Mr. Papanek's communication, alleges that the political independence of Czechoslovakia, a Member of the United Nations, has been violated by threat of the use of force by another Member of the United Nations, namely, the Soviet Union. It further refers to the statement in that communication that the Czechoslovakian *coup* was effectuated successfully only because of official participation of representatives of the Soviet Union and threat of the use of military forces of the Soviet Union in readiness on the northwestern boundaries of Czechoslovakia. The Chilean complaint requests investigation of these allegations.

If these allegations are true, the matter would clearly not be essentially within the jurisdiction of Czechoslovakia because it would be a situation resulting from illegal action by one Member against another. Secondly, the Security Council, in order to be able to determine whether the case comes within the meaning of article 2, subparagraph 7, must consider the Chilean complaint, and, of course, it cannot consider the Chilean complaint if it is not put on the agenda.

But, since we opened our hearing on the question

of adding this item to the agenda, the remarks made by the distinguished representative of the Soviet Union constitute a countercharge. Mr. Papanek, who has represented a distinguished Member of the United Nations, is charged here as being a "traitor". This matter is also rendered very much more important by the opprobrious attack upon Chile. The suggestion that Chile is not acting upon her own initiative as a distinguished Member of the United Nations, but is a "puppet" commanded by "external circles" who work through their "lackeys", is a charge which renders this item much more important than it was solely upon the complaint made by Chile.

But there are other allegations in the statement by the representative of the Soviet Union that reflect upon the press of the United States of America—"venal and calumnious American newspapers"; another charge of "yellow" newspapers. I could not follow this fast enough to get the exact language, but you recall "yellow press of America", and the charge of "warmongering" against people in the United States of America, including very highly placed persons.

Now, I ask the Security Council if it can evade or avoid the responsibility that is placed upon it to give these charges a hearing—all of them. For this reason the United States will vote to place this item on the agenda.

Discussion in the Interim Committee on the Problem of Voting in the Security Council¹

U. S. PROPOSALS¹

I. Study of Categories of Security Council Decisions

A. The Interim Committee should study the categories of decisions which the Security Council is required to make in carrying out the functions entrusted to it under the Charter and the Statute of the International Court of Justice, and should report to the General Assembly those categories of decisions which in its judgment, in order to ensure

¹ U.N. doc. A/AC.18/41, Mar. 10, 1948. By a resolution adopted on Nov. 21, 1947, the General Assembly requested its Interim Committee to—

"1. Consider the problem of voting in the Security Council, taking into account all proposals which have been or may be submitted by Members of the United Nations to the second session of the General Assembly or to the Interim Committee;

"2. Consult with any committee which the Security Council may designate to cooperate with the Interim Committee in the study of the problem;

the effective exercise by the Security Council of its responsibilities under the Charter, should be made by an affirmative vote of seven members of the Security Council, whether or not such categories are regarded as procedural or non-procedural. (A provisional proposed list of such categories is attached.)

B. The Interim Committee should recommend to the General Assembly:

"3. Report, with its conclusions, to the third session of the General Assembly, the report to be transmitted to the Secretary-General not later than 15 July 1948, and by the Secretary-General to the Member States and to the General Assembly."

On Jan. 9, 1948, the Interim Committee, by resolution, asked that proposals on the problem of voting in the Security Council be transmitted to the Secretary-General on or before Mar. 15, 1948.

- (1) That the General Assembly accept the conclusions of the Interim Committee's Report, and
- (2) That the General Assembly as a first step recommend to the permanent members of the Security Council that they mutually agree that such voting procedures be followed, and that steps be taken to make their agreement effective.

II. Consultations Among Permanent Members

The Interim Committee should recommend to the General Assembly that in order to improve the functioning of the Security Council the General Assembly recommend to the Permanent Members of the Security Council that wherever feasible consultations should take place among them concerning important decisions to be taken by the Security Council.

Provisional List of Categories of Security Council Decisions which the United States proposes should be made by an Affirmative Vote of Seven Members, whether or not such Categories are regarded as Procedural or Non-procedural.

1. Decisions with respect to admission of States to membership in the United Nations, pursuant to Article 4 (2).
2. Decisions to bring a question relating to the maintenance of international peace and security before the General Assembly pursuant to Article 11 (2).
3. Decisions to request the recommendation of the General Assembly concerning a matter relating to the maintenance of international peace and security being dealt with by the Security Council pursuant to Article 12 (1).
4. Decisions to cease dealing with a matter relating to the maintenance of international peace and security pursuant to Article 12 (2).
5. Decisions with respect to the consent of the Security Council to the notifications made by the Secretary-General under Article 12 (2).
6. Decisions with respect to the request directed by the Security Council to the Secretary-General that he convoke a Special Session of the General Assembly under Article 20.
7. Submission of annual and special reports from the Security Council to the General Assembly pursuant to Article 24 (3).
8. Decisions of the Security Council as to whether a matter is procedural within the meaning of Article 27 (2).
9. Determination of the parties to a dispute and the existence of a dispute for the purpose of deciding whether a Member of the Security Council shall be required to abstain from voting pursuant to Article 27 (3).
10. Decisions concerning the manner of the organization of the Security Council pursuant to Article 28 (1).

11. Decisions concerning the time and place of its regular and periodic meetings pursuant to Article 28 (2) and Article 28 (3).

12. Establishment of subsidiary organs pursuant to Article 29.

13. The election of a President pursuant to Article 30.

14. Adoption of Rules of Procedure pursuant to Article 30.

15. Decisions to permit the participation of Members of the United Nations in the discussion of any question where the Council considers that the interests of the Member are specially affected pursuant to Article 31.

16. Decisions to invite a Member State which is not a Member of the Security Council, or a State not a Member of the United Nations which is a party to a dispute under consideration by the Council, to participate without vote in the discussion relating to the dispute pursuant to Article 32.

17. Decisions with respect to conditions for the participation of a State which is not a Member of the United Nations in the Security Council discussions in accordance with Article 32.

18. Decisions to consider and discuss a matter brought to the attention of the Council.

19. Decisions to call upon the parties to a dispute to settle their dispute by peaceful means of their own choice pursuant to Article 33 (2).

20. Decisions to investigate a dispute or a situation which might lead to international friction or give rise to a dispute, pursuant to Article 34.

21. Decisions to recommend appropriate procedures or methods of adjustment of a dispute or situation endangering the maintenance of international peace and security, pursuant to Article 36 (1).

22. Decisions of the Security Council pursuant to Article 36 (3) to recommend to the parties to a legal dispute that the dispute should be referred by the parties to the International Court of Justice in accordance with provisions of the Statute of the Court.

23. Decisions to make recommendations at the request of all parties to a dispute with a view to its pacific settlement, pursuant to Article 38.

24. Decisions to request assistance from the Economic and Social Council pursuant to Article 65.

25. Reference of a legal question to the International Court of Justice for an advisory opinion pursuant to Article 96 (1).

26. Decision to convoke a conference to review the Charter prior to the Tenth Annual Session of the General Assembly pursuant to Article 109 (1).

27. Decision to convoke a conference to review the Charter subsequent to the Tenth Annual Session of the General Assembly pursuant to Article 109 (3).

²28. Election of judges of the International Court of Justice pursuant to Article 4 (1), Article 10 (1) of the Statute of the Court. (Article 10 (2) of the Statute).

29. Decisions of the Security Council determining the conditions under which a State which is a party to the present Statute of the International Court of Justice, but which is not a Member of the United Nations, may participate in electing

the Members of the Court pursuant to Article 4 (3) of the Statute of the Court.

²30. Appointment of conferees in connection with election of judges of the International Court of Justice pursuant to Article 12 of the Statute of the Court. (Article 10 (2) of the Statute).

31. Determination of the date of election of judges of the International Court of Justice pursuant to Article 14 of the Statute of the Court.

STATEMENT BY PHILIP C. JESSUP¹

U.S. Deputy Representative in the Interim Committee

The Interim Committee is considering the veto at the request of the General Assembly contained in its resolution of November 21, 1947, which "requests the Interim Committee of the General Assembly . . . to consider the problem of voting in the Security Council, taking into account all proposals which have been or may be submitted by Members of the United Nations to the second session of the General Assembly or to the Interim Committee."

The Interim Committee in order to give effect to the request of the General Assembly, on January 9, 1948, adopted a resolution which requested the Members of the United Nations who desire to submit proposals on the problem of voting in the Security Council to transmit them to the Secretary-General on or before March 15, 1948, and further requested the Chairman to bring up the problem before the Interim Committee not later than March 15, 1948.

The General Assembly resolution contemplated three phases of action on this problem: action by this Committee, continued action by the Security Council and conferences between our Committee and a committee of the Security Council.

In addition the General Assembly resolution requested consultations among the Permanent Members "in order to secure agreement among them on measures to ensure the prompt and effective exercise by the Security Council of its functions."

It would seem appropriate at this time to indicate the progress which has been made since January 9 in the direction of giving effect to the General Assembly program.

In the first place a number of proposals are now before the Interim Committee. We believe that these proposals furnish an excellent starting point for the studies of this Committee.

As to the second phase of action contemplated in the General Assembly resolution, Committee 1 of

the Security Council has not as yet commenced its consideration of this problem for reasons well known to all of you. The press of vital problems in the Security Council, which for the past several months has been dealing with some of the most important aspects of international relations, has left no time for meetings of Committee 1 which would be attended in many cases by the same individuals who have borne much of the burden in the Security Council.

There are now before Committee 1 of the Security Council certain proposals which the United States circulated last August. These proposals, as far as they go, are entirely consistent with the proposals which we are submitting to the Interim Committee and which I shall discuss later in some detail. They do, however, constitute a different approach. The proposals to Committee 1 of the Security Council are intended to provide specific rules of procedure for the Security Council. The proposals to the Interim Committee, on the other hand, are intended to grapple with the broader problem of the failure of the Security Council to function with maximum effectiveness. In some instances, it may turn out that the General Assembly recommendations can best be implemented through rules of procedure. However, there are other alternatives. The United States proposals in the Interim Committee are directed chiefly to the objectives to be attained rather than to a detailed recommendation for implementation of the objectives.

In regard to the last paragraph of the General Assembly resolution relating to consultations among the permanent members of the Security Council, I believe I should report that consultations have taken place among the permanent members of the Security Council on the problem of the veto since our last meeting on this subject. The consultations have not as yet produced tangible results. The United States is prepared to continue such consultations as necessary in the attempt to secure agreement on measures which will improve the functioning of the Security Council.

¹These decisions are made by "an absolute majority of votes in the General Assembly and in the Security Council".

²Made on Mar. 15, 1948, before the Interim Committee and released to the press by the U.S. Mission to the U.N. on the same date.

The United States, on March 11, in response to the request contained in the Interim Committee resolution of January 9, submitted to the Interim Committee proposals on this subject which are now before you. It is my intention, at this time, to limit my remarks to the purposes of the United States proposals and to the general point of view which has given rise to the proposals, reserving my comments on the technical aspects until a later time.

The United States considers the problem of voting in the Security Council to be one of the greatest consequence and importance to the success of the United Nations. The Secretary of State in his address to the General Assembly last September stated: "The exercise of the veto power in the Security Council has the closest bearing on the success and the vitality of the United Nations The abuse of the right of unanimity has prevented the Security Council from fulfilling its true functions. That has been especially true in cases arising under chapter VI and in the admission of new members". As the Secretary went on to point out, we had reluctantly come to the conclusion that the most practical method for improving this situation would be through liberalization of the voting procedure in the Security Council.

Different ways have been suggested for obtaining this objective. There are before the Committee proposals of Argentina and of New Zealand which suggest that the way to accomplish the objective is by amending the Charter. The United States suggests a different method. We do not believe that there is a short-cut to peace. The amendment of the Charter, as everyone recognizes, requires the concurrence of the permanent members of the Security Council and proposals for amendments thus do not avoid the necessity for unanimity. The proposals of the United States are advanced in the conviction that they suggest the most practical method for moving toward the objective of liberalizing the voting procedure in the Security Council.

The United States recognizes the basic importance of a genuine unanimity among the permanent members if the Security Council and in fact if the entire United Nations is to achieve its maximum success. The United States also recognizes that in connection with the most important decisions of the Security Council such as those for enforcement action under chapter VII of the Charter, a voting formula requiring unanimity among the permanent members is a necessity and corresponds to the political realities of the international situation. This was well pointed out by Ambassador Austin in his statement to the General Assembly as far back as October 30, 1946:

"The principle of unanimity of the Great Powers has from the first—and by general agreement—been limited in its application as a voting pro-

cedure to matters essential to the maintenance of international peace and security. The Charter requires unanimity of the major powers only in substantive decisions by the Security Council. There is no requirement for unanimity in the Assembly, in the Economic and Social Council and in the Trusteeship Council. . . .

"This does not mean that unanimity or the closest possible approximation to it is not to be desired and striven for in all these organs. It means only that it was not deemed essential to apply the principle to the voting procedures.

"Those organs and agencies do not have the power to enforce the law. That power rests with the Security Council and that is the reason why the Members of the United Nations applied the principle of unanimity to the voting procedures of the Security Council and not to the voting procedures in any of the other institutions of the United Nations.

"The large nations that are Permanent Members of the Council possess the power to keep peace in the world—to enforce observance of the law. The Charter does not give them that power. It recognizes that power and places obligations upon these nations to use that power in accordance with the law."

The United States continues to adhere to the viewpoint which Ambassador Austin expressed so forcefully more than two years ago. The proposals of the United States suggest 31 separate items which come up in a study of the veto. The proposals of China, the United Kingdom, and New Zealand contain other suggestions, and additional ones may be raised in the course of our discussion. I agree that the study of those items will necessarily be a technical study. The problem is a technical one. There is no simple formula which can be applied as a "cure-all" and which will automatically result in the liberalization of the voting procedure and immediate improvement in the effectiveness of the Security Council. The United States feels that progress can best be achieved in the General Assembly through careful study. To quote Mr. Dulles concerning the nature of the study: "It is not a study which is designed to produce any predetermined result or to produce any specific diminution of the veto power, but it is a study of the problem to the end that the General Assembly next year will be able to approach this problem with more light and less heat than was the case at the last General Assembly. We felt that a good deal of violence and antagonism which marked the discussions in the General Assemblies both in 1946 and 1947 was largely due to the fact that the problem had not been adequately studied and its difficulties adequately perceived."

To come to the specific United States proposals

which are now before this Committee, the United States first suggests that the Interim Committee should study the categories of decisions which the Security Council is required to make in carrying out the functions entrusted to it under the Charter and the Statute of the International Court of Justice and should report to the General Assembly those categories of decisions which in its judgment, in order to insure the effective exercise by the Security Council of its responsibilities under the Charter, should be made by an affirmative vote of seven members of the Security Council.

It is apparent from the resolution of November 21 that in giving the Interim Committee this task the General Assembly was exercising its power to make recommendations "relating to the powers and functions of any organs of the United Nations" (article 10 of the Charter). It therefore seemed most appropriate to us that the study in the Interim Committee should deal primarily with the functioning of the Security Council and that the Interim Committee conclusions and the General Assembly recommendations should be directed to the desired result; namely, to the liberalization of voting procedures in connection with those decisions of the Security Council where such liberalization is most likely in fact to result in the improved operation of the Council.

The United States proposal goes on to recommend that the General Assembly accept the conclusions which the Interim Committee may reach on this subject and "that the General Assembly as a first step recommend to the Permanent Members of the Security Council that they mutually agree that such voting procedures be followed and that steps be taken to make their agreement effective." We recognize that after the General Assembly has made recommendations for liberalization of the voting procedures, the task of accomplishing such liberalization may be a difficult one. The most effective way of securing improvement in the operations of the Security Council would be through agreement of the permanent members. Mr. Dulles stated this to the First Committee of the General Assembly and Ambassador Austin repeated the statement before this Committee on January 9. "We realize that without such agreement, it will be difficult to accomplish great practical results. Charter amendment requires the approval of all five. It may perhaps prove possible to get agreement on certain Charter amendments and certainly there is an important area in which existing procedures could be liberalized without alteration of Article 27."

We believe that the permanent members will all give great weight to whatever recommendations may be made by the General Assembly on this subject and we are therefore proposing that the General Assembly recommend to the permanent members that they mutually agree to follow the voting

procedure recommended by the General Assembly and to take steps to make that agreement effective.

We have submitted a list of Security Council decisions which in our view should as a matter of principle be made by any seven members of the Security Council; in other words, where there should be no veto. I shall not comment in detail at this time on this list. It suffices to say that a number of these decisions are well-established as procedural in the practice of the Security Council and that in other instances a voting procedure not involving the veto is prescribed by the Charter. However, the list of categories of decisions also includes a number of decisions where either no precedent as to voting procedure has as yet been established in the Security Council or where under existing practice of the Council, a negative vote by a permanent member has been considered a veto. It would perhaps be appropriate to note at this time two or three of the more important of these decisions where we firmly believe that the voting procedure should be liberalized.

In the first place, there is the question of applications for membership. This is item 1 on our list. Ten of the 23 vetoes in the Security Council have related to membership problems. This is not the time nor place for recriminations but I would be less than frank if I failed to point to the most flagrant example of the abuse of the veto, the veto of Italy's membership application by the Soviet Union not once but two times. This was done in the face of overwhelming support for Italy's application in the Security Council and later in the General Assembly. This leads inescapably to the conclusion that the Soviet vetoes of the Italian United Nations membership application can be interpreted only as an expression of lack of friendship of the Soviet Union for the people of Italy. A way must be found to make such an injustice impossible. The Italian people must not be denied the right of United Nations membership which they so richly deserve. It should be noted that one phase of the membership problem has been referred by the General Assembly to the International Court of Justice for an advisory opinion. The Court's opinion, when it is given, should be of assistance in this study.

We have also suggested the elimination of the veto in connection with most of the decisions of the Security Council arising under chapter VI which relates to the pacific settlement of disputes. The Secretary of State in his address to the General Assembly indicated that the United States would be willing to accept the restriction or elimination of the veto in connection with all decisions under chapter VI. We have not, however, at this time, suggested its elimination in connection with the Security Council's authority under article 37 (2) to recommend terms of settlement of disputes. While the United States would be willing to accept

the elimination of the veto in connection with the Security Council's recommendations under article 37 (2), nevertheless, as was pointed out by Mr. Dulles to the First Committee of the General Assembly in his statement of November 18, this provision raises certain special problems. Therefore, pending further study, by the Interim Committee, the United States did not include this provision in its list.

We are also suggesting that the veto should never be utilized to prevent the Security Council from obtaining assistance from other organs of the United Nations: the General Assembly, the Economic and Social Council, the International Court of Justice. We believe that the firm establishment of this principle would result in greater coordination of the work of the various organs of the United Nations and would be of great assistance to the Security Council.

It should be emphasized that the list of categories of Security Council decisions which the United States proposes should be made by affirmative vote of seven members, is strictly a provisional list. The United States hopes that the Interim Committee will study not only these categories of decisions but all categories of decisions which the Security Council must make. The creation of a subcommittee would seem to be a useful procedure for this purpose. It may develop in the course of the study that there are a number of other decisions where the effective functioning of the Security Council would be furthered through establishment of voting procedures not requiring the concurrence of the permanent members. The United States is entering into this study in the Interim Committee with an open mind and without any preconceived judgment as to the conclusions that should emerge from the Interim Committee.

The second part of the United States proposal relates to consultation among permanent members. The United States suggests that the "Interim Committee should recommend to the General Assembly that in order to improve the functioning of the Security Council, the General Assembly recommend to the Permanent Members of the Security Council that whenever feasible, consultations should take place among them concerning important decisions to be taken by the Security Council." Even in the event of substantial liberalization of voting procedures as is contemplated in the first part of the United States proposal, it is still desirable that there should be agreement and there will be many decisions of the Security Council which require agreement among the permanent members. Consultations on such decisions, and also on some important decisions not requiring unanimity, should take place whenever feasible; that is, whenever they are likely to produce constructive results. We believe that there is likely to be agreement on the desir-

ability of such consultations. The General Assembly resolution of December 13, 1946 "requests the Permanent Members in consultation with one another, to insure that the use of the special voting privilege does not impede the Security Council in reaching decisions promptly." The General Assembly resolution of November 21, 1947 requests consultations among the permanent members on the problem of voting. The United States proposal goes somewhat further than either of the previous General Assembly resolutions but goes no further than the statements of the permanent members themselves. All of the permanent members have stated in the General Assembly that such consultations are desirable. We believe that the second part of our proposal complements the first part and that its adoption will assist the Security Council in effectively performing its functions.

In conclusion, we sincerely hope that the studies in this Committee will result in a fuller understanding of this extremely difficult and technical subject, and that as a result of this study, this Committee will reach enlightened and constructive conclusions that have the support of the overwhelming force of world opinion. If those conclusions are converted into realities through their adoption in practice, the United Nations will be a more effective instrument for the accomplishment of its great purposes.

U.S. Delegation to Ninth International Conference of American States

[Released to the press by the White House March 19]

The President on March 19 named the following as members of the United States Delegation to the Ninth International Conference of American States, to be held at Bogotá, Colombia, beginning March 30, 1948:

Chairman:

George C. Marshall, Secretary of State

Delegates:

Willard L. Beaulac, Ambassador to Colombia
John W. Snyder, Secretary of the Treasury
W. Averell Harriman, Secretary of Commerce
Norman Armour, Assistant Secretary of State for political affairs, Department of State
Ernest A. Gross, Legal Adviser, Department of State
William D. Pawley, Ambassador to Brazil
Walter J. Donnelly, Ambassador to Venezuela
William McC. Martin, Jr., Chairman, Board of Directors
Export-Import Bank of Washington
Paul C. Daniels, Director, Office of American Republic Affairs, Department of State

The Delegation will be accompanied by a group of advisers and a technical and administrative staff.

THE RECORD OF THE WEEK

Toward Securing the Peace and Preventing War

ADDRESS BY THE PRESIDENT TO THE CONGRESS¹

March 17, 1948

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE CONGRESS:

I am here today to report to you on the critical nature of the situation in Europe, and to recommend action for your consideration.

Rapid changes are taking place in Europe which affect our foreign policy and our national security. There is an increasing threat to nations which are striving to maintain a form of government which grants freedom to its citizens. The United States is deeply concerned with the survival of freedom in those nations. It is of vital importance that we act now, in order to preserve the conditions under which we can achieve lasting peace based on freedom and justice.

The achievement of such a peace has been the great goal of this nation.

Almost three years have elapsed since the end of the greatest of all wars, but peace and stability have not returned to the world. We were well aware that the end of the fighting would not automatically settle the problems arising out of the war. The establishment of peace after the fighting is over has always been a difficult task. And even if all the Allies of World War II were united in their desire to establish a just and honorable peace, there would still be great difficulties in the way of achieving that goal.

But the situation in the world today is not primarily the result of the natural difficulties which follow a great war. It is chiefly due to the fact that one nation has not only refused to cooperate in the establishment of a just and honorable peace, but—even worse—has actively sought to prevent it.

The Congress is familiar with the course of events.

You know of the sincere and patient attempts of the democratic nations to find a secure basis for peace through negotiation and agreement. Conference after conference has been held in different parts of the world. We have tried to settle the questions arising out of the war on a basis which would permit the establishment of a just peace. You know the obstacles we have encountered. But the record stands as a monument to the good faith and integrity of the democratic nations of the world. The agreements we did

obtain, imperfect though they were, could have furnished the basis for a just peace—if they had been kept.

But they were not kept.

They have been persistently ignored and violated by one nation.

The Congress is also familiar with the developments concerning the United Nations. Most of the countries of the world have joined together in the United Nations in an attempt to build a world order based on law and not on force. Most of the members support the United Nations earnestly and honestly, and seek to make it stronger and more effective.

One nation, however, has persistently obstructed the work of the United Nations by constant abuse

Statement by Ambassador Warren R. Austin

The President's declaration of the acts necessary to support the purposes and principles of the United Nations Charter has my full support. I am more persuaded than ever that we need universal military training as a permanent policy and I believe that right now we need the reenactment of selective service. The European Recovery Program has had my hearty endorsement from the beginning.

I think the President was moderate in his statements on the critical situation now confronting the people of the world. The issues that have confronted the United Nations from the outset have been difficult in themselves; but they have become increasingly serious in their reflection of the division between the Soviet Union and the rest of the United Nations.

The position of the United States in its discharge of its inescapable responsibilities and as a force for the solution of the problems before us by agreement, will be improved if our military posture is strengthened. The President's emphasis on the United Nations demonstrates that everything he said is aimed toward the pacific solution of our problems.

¹ This address was also printed as Department of State publication 3102, General Foreign Policy Series 2.

of the veto. That nation has vetoed 21 proposals for action in a little over two years.

But that is not all. Since the close of hostilities, the Soviet Union and its agents have destroyed the independence and democratic character of a whole series of nations in eastern and central Europe.

It is this ruthless course of action, and the clear design to extend it to the remaining free nations of Europe, that have brought about the critical situation in Europe today.

The tragic death of the Republic of Czechoslovakia has sent a shock throughout the civilized world. Now pressure is being brought to bear on Finland, to the hazard of the entire Scandinavian peninsula. Greece is under direct military attack from rebels actively supported by her Communist-dominated neighbors. In Italy, a determined and aggressive effort is being made by a Communist minority to take control of that country. The methods vary, but the pattern is all too clear.

Faced with this growing menace, there have been encouraging signs that the free nations of Europe are drawing closer together for their economic well-being and for the common defense of their liberties.

In the economic field, the movement for mutual self-help to restore conditions essential to the preservation of free institutions is well under way. In Paris, the 16 nations which are cooperating in the European Recovery Program are meeting again to establish a joint organization to work for the economic restoration of western Europe.

The United States has strongly supported the efforts of these nations to repair the devastation of war and restore a sound world economy. In presenting this program to the Congress last December, I emphasized the necessity for speedy action. Every event in Europe since that day has underlined the great urgency for the prompt adoption of this measure.

The Soviet Union and its satellites were invited to cooperate in the European Recovery Program. They rejected the invitation. More than that, they have declared their violent hostility to the program and are aggressively attempting to wreck it.

They see in it a major obstacle to their designs to subjugate the free community of Europe. They do not want the United States to help Europe. They do not even want the 16 cooperating countries to help themselves.

While economic recovery in Europe is essential, measures for economic rehabilitation alone are not enough. The free nations of Europe realize that economic recovery, if it is to succeed, must be afforded some measure of protection against internal and external aggression. The movement toward economic cooperation has been followed by

a movement toward common self-protection in the face of the growing menace to their freedom.

At the very moment I am addressing you, five nations of the European community, in Brussels, are signing a 50-year agreement for economic cooperation and common defense against aggression.

This action has great significance, for this agreement was not imposed by the decree of a more powerful neighbor. It was the free choice of independent governments representing the will of their people, and acting within the terms of the Charter of the United Nations.

Its significance goes far beyond the actual terms of the agreement itself. It is a notable step in the direction of unity in Europe for the protection and preservation of its civilization. This development deserves our full support. I am confident that the United States will, by appropriate means, extend to the free nations the support which the situation requires. I am sure that the determination of the free countries of Europe to protect themselves will be matched by an equal determination on our part to help them to do so.

The recent developments in Europe present this nation with fundamental issues of vital importance.

I believe that we have reached a point at which the position of the United States should be made unmistakably clear.

The principles and purposes expressed in the Charter of the United Nations continue to represent our hope for the eventual establishment of the rule of law in international affairs. The Charter constitutes the basic expression of the code of international ethics to which this country is dedicated. We cannot, however, close our eyes to the harsh fact that through obstruction and even defiance on the part of one nation, this great dream has not yet become a full reality.

It is necessary, therefore, that we take additional measures to supplement the work of the United Nations and to support its aims. There are times in world history when it is far wiser to act than to hesitate. There is some risk involved in action—there always is. But there is far more risk in failure to act.

For if we act wisely now, we shall strengthen the powerful forces for freedom, justice, and peace which are represented by the United Nations and the free nations of the world.

I regard it as my duty, therefore, to recommend to the Congress those measures which, in my judgment, are best calculated to give support to the free and democratic nations of Europe and to improve the solid foundation of our own national strength.

First, I recommend that the Congress speedily complete its action on the European Recovery Program. That program is the foundation of our policy of assistance to the free nations of Europe.

Prompt passage of that program is the most telling contribution we can now make toward peace.

The decisive action which the Senate has taken without regard to partisan political considerations is a striking example of the effective working of democracy.

Time is now of critical importance. I am encouraged by the information which has come to me concerning the plans for expeditious action by the House of Representatives. I hope that no single day will be needlessly lost.

Second, I recommend prompt enactment of universal training legislation.

Until the free nations of Europe have regained their strength, and so long as Communism threatens the very existence of democracy, the United States must remain strong enough to support those countries of Europe which are threatened with Communist control and police-state rule.

I believe that we have learned the importance of maintaining military strength as a means of preventing war. We have found that a sound military system is necessary in time of peace if we are to remain at peace. Aggressors in the past, relying on our apparent lack of military force, have unwisely precipitated war. Although they have been led to destruction by their misconception of our strength, we have paid a terrible price for our unpreparedness.

Universal training is the only feasible means by which the civilian components of our armed forces can be built up to the strength required if we are to be prepared for emergencies. Our ability to mobilize large numbers of trained men in time of emergency could forestall future conflict and, together with other measures of national policy, could restore stability to the world.

The adoption of universal training by the United States at this time would be unmistakable evidence to all the world of our determination to back the will to peace with the strength for peace. I am convinced that the decision of the American people, expressed through the Congress, to adopt universal training would be of first importance in giving courage to every free government in the world.

Third, I recommend the temporary reenactment of selective-service legislation in order to maintain our armed forces at their authorized strength.

Our armed forces lack the necessary men to maintain their authorized strength. They have been unable to maintain their authorized strength through voluntary enlistments, even though such strength has been reduced to the very minimum necessary to meet our obligations abroad and is far below the minimum which should always be available in the continental United States.

We cannot meet our international responsibilities unless we maintain our armed forces. It is of vital importance, for example, that we keep our

occupation forces in Germany until the peace is secure in Europe.

There is no conflict between the requirements of selective service for the regular forces and universal training for the reserve components. Selective service is necessary until the solid foundation of universal training can be established. Selective service can then be terminated and the regular forces may then be maintained on a voluntary basis.

The recommendations I have made represent the most urgent steps toward securing the peace and preventing war.

We must be ready to take every wise and necessary step to carry out this great purpose. This will require assistance to other nations. It will require an adequate and balanced military strength. We must be prepared to pay the price of peace, or assuredly we shall pay the price of war.

We in the United States remain determined to seek, by every possible means, a just and honorable basis for the settlement of international issues. We shall continue to give our strong allegiance to the United Nations as the principal means for international security based on law, not on force. We shall remain ready and anxious to join with all nations—I repeat, with all nations—in every possible effort to reach international understanding and agreement.

The door has never been closed, nor will it ever be closed, to the Soviet Union or any other nation which will genuinely cooperate in preserving the peace.

At the same time, we must not be confused about the central issue which confronts the world today.

The time has come when the free men and women of the world must face the threat to their liberty squarely and courageously.

The United States has a tremendous responsibility to act according to the measure of our power for good in the world. We have learned that we must earn the peace we seek just as we earned victory in war, not by wishful thinking but by realistic effort.

At no time in our history has unity among our people been so vital as it is at the present time.

Unity of purpose, unity of effort, and unity of spirit are essential to accomplish the task before us.

Each of us here in this chamber today has a special responsibility. The world situation is too critical, and the responsibilities of this country are too vast, to permit party struggles to weaken our influence for maintaining peace.

The American people have the right to assume that political considerations will not affect our working together. They have the right to assume that we will join hands, whole-heartedly and without reservation, in our efforts to preserve peace in the world.

With God's help we shall succeed.

Department of State Bulletin

Relation of Military Strength to Diplomatic Action

BY GEORGE C. MARSHALL¹

Secretary of State

MR. CHAIRMAN: You gentlemen have asked me to give my views on the need of our country taking at this time further measures to assure the national security. Any such measures must obviously relate to the foreign policy of the United States. In the world in which we live our national security can no longer be effectively weighed and dealt with in terms of the Western Hemisphere alone.

The President has spoken to the Congress this morning in joint session. You have before you the text of his address. It is not necessary for me to repeat what he said.

I wish to express in person to you my own concern over the accelerated trend in Europe. In the short years since the end of hostilities this trend has grown from a trickle into a torrent. One by one, the Balkan States, except Greece, lost all semblance of national independence. Then two friendly nations—first Hungary and last week Czechoslovakia—have been forced into complete submission to the Communist control.

Within one month the people of Italy, whose Government we had a large part in reconstituting, will hold a national election. The outcome of that election has an importance far beyond local Italian affairs. It will decide not only whether Italy will continue with its restoration into a true democracy. It will foretell whether the disintegrating trend to which I have referred may reach the shores of the Atlantic.

It is said that history never repeats itself. Yet if these free people one by one are subjugated to police-state control even the blind may see in that subjugation of liberty a deadly parallel.

The Government of the United States has undertaken steps to meet this disintegrating trend in the heart of Europe. The comprehensive proposal in this regard is the Recovery Program legislation now under active consideration in the House. This program, I believe, is a fundamental requirement for the strengthening of the western nations of Europe.

But this economic program in the existing situation is not a complete answer. It is said that one cannot buy peace and prosperity with dollars. The accelerating march of events in European areas has now made it clear that reliance for the future safety of those areas cannot be placed alone on the slow processes of reconstruction financed with our help. There is something more for the United States to do. We must show, conclusively, by decisive legislative action, to all the nations

of the world that the United States intends to be strong and to hold that strength ready to keep the European world both at peace and free.

Diplomatic action, without the backing of military strength, in the present world can lead only to appeasement. The President today indicated that we have made every effort of negotiation, and of organization in the United Nations, to find a way to understandings and agreement. I said in my final report as Chief of Staff in 1945, "War is not the choice of those who wish passionately for peace; it is the choice of those who are willing to resort to violence for political advantage".

I regard the present military policy of this Government as one based largely on meeting the problems of attrition, with the contrasting necessity for larger and larger appropriations to give us security.

Perhaps my meaning could be made clearer by a comparison of the German procedure under Hitler with that proposed under a policy of universal military training. The Nazis devoted all the resources of Germany in preparation for war on a given date, September 1, 1939. The purpose and procedure under universal military training is exactly the opposite. We would be striving to avoid such dates. We want peace; we want to avoid war. Therefore, among other things, we want a system which will be bearable financially, which will not bankrupt the country, a system which, adjusted to world conditions, can be continued at a minimum of cost and personal contribution, a system in accordance with our traditions and strong desires.

I see no possible way financially to maintain a reasonable military posture except on the foundation of universal military training. The consideration of this subject has been confused by discussions of amounts, requirements, administration, and various conflicting beliefs. The clear-cut issue is whether or not this country will stand before the world for at least the next five or ten years in a position appropriate to its leadership in furthering the perpetuation of free governments and avoiding their transition into police states. We desire a state of affairs which would make repetitions of the fate of Hungary and Czechoslovakia, the intimidation of Finland, the

¹ Made before the Armed Services Committee of the Senate on Mar. 17, 1948, and released to the press on the same date.

subversive operations in Italy and France, and the cold-blooded efforts to destroy the Greek Government unlikely, because they would definitely be fraught with real danger to those who would attempt such action.

Many of the measures complementary to universal military training would be strengthened and facilitated by the latter. The maintenance of the Army, the Navy, and the Air Force at suitable strength on a volunteer basis would be made easier, I am sure. But what is much more important, the National Guard would be greatly strengthened and made a vital citizen force immediately available in an emergency, which it cannot be under existing conditions. The quality of the R.O.T.C. would be much improved, the training put on a higher level, and the time for such training materially shortened. Finally, universal military training would bring to millions of American families a sense of individual and collective responsibility of the duty to help assure security and peace for ourselves and for the world. There is evidence that the majority of American men and

women are ready to follow courageous leadership toward that end.

Due to the rapid dwindling in the strength of the armed forces, the temporary application of selective service is also necessary. A reconsideration of our air program is necessary, but first of all, I am convinced that the decision of the American people to adopt the democratic procedure of universal training would strengthen every free government. The combination of two things, the enactment of the European Recovery Program on the one hand and a decision by the American people that clearly indicates that they are determined in their course, is necessary now, I think, to the maintenance of peace in the world.

Referring to a discussion of universal military training in my final report as Chief of Staff in September 1945, I closed with these words: "We can fortify ourselves against disaster, I am convinced, by the measures I have here outlined. In these protections we can face the future with a reasonable hope for the best and with quiet assurance that even though the worst may come, we are prepared for it."

World-Wide Struggle Between Freedom and Tyranny

BY GEORGE C. MARSHALL¹

Secretary of State

I am honored by the invitation of the University of California to participate in this Charter Day celebration. I am particularly glad to be present because, except for hurried military inspections of a few hours' duration during the war or brief stopovers en route to and from the Far East, I had no opportunity to accept any of the numerous hospitable invitations I have received from California. My first contact with the University was to assist the then Dean Barrows in the instruction of a few of your R.O.T.C. students on a week-end camping trip. That, I think, was in 1916. During the holiday period of that year I was asked to speak at the first convention of the personnel of the Forestry Department on the west coast which was held in one of your lecture rooms. Those represent my previous contacts with the University.

For a number of years I have been deeply interested in educational procedures. You may not have realized it, but effective and expeditious instructional procedure has been a very important requirement imposed by our military policy—a policy which has always involved the hasty development of military forces after the arrival of

the emergency. Your tremendous plant, instructional procedure, and large student body are of great interest to me, particularly during these days when so many former service men are students in the colleges and universities. In that connection, I must be frank to admit that I once felt the Government would receive only a small return on its financial outlay in guaranteeing to our veterans their present educational opportunities. I have been proved completely wrong in my anticipation, for I am told, wherever I go in the educational world, that the veterans have not only done extraordinarily well, but that they have set a high standard for the universities and future students to maintain. At Amherst last June I addressed a graduating class of which 80 percent were veterans, and the experience there led me to speculate regarding the future effect on this country of a citizenship dominated by men and women who have seen much of the world, not hurriedly, but intimately for years at a time and have had their own characters tested by the hardships and dangers to which they were exposed. This broad experience, followed later by a college or university education at a mature age, will be productive of a new brand of citizen whose wisdom and foresight may avoid the dangers of our past mistakes.

Everyone's thoughts turn today to the situation abroad—Europe, the Middle East, and the Far

¹ An address delivered at the University of California at Berkeley, Calif., on Mar. 19, 1948, and released to the press on the same date.

East. Never before in history has the world situation been more threatening to our ideals and interests than at the present time. A depressing aspect of the situation is the duplication in Europe of the highhanded and calculated procedure of the Nazi régime. The organization of the satellite states—under the Communistic doctrine and the methods of the police-state formula—was carried out rather quietly. The take-over of Hungary was a bolder exhibition of the same technique. The directed and fomented strikes of last December in France and Italy were another evidence of the same direction and procedure but adapted to quite different circumstances.

The Czechoslovakia incident, however, was both bold and truculent in procedure, quite evidently staged to impress the people of Finland and the remainder of the free states of western Europe. The procedure is in accordance with the frank declaration of the Soviet Government and Communist parties to oppose in every way possible the development of the European Recovery Program.

In view of all that has already been said and the statement by the President on Wednesday before the joint session of the Congress, I am uncertain as to what I might add to convince the American people that this is a world-wide struggle between freedom and tyranny, between the self-rule of the many as opposed to the dictatorship of a ruthless few. It should now be perfectly clear that rule based on threats and force instead of on reason and justice must not be allowed to spread further unchecked.

The speed with which the campaign of the Communist parties in Europe has developed in a well-ordered sequence of events demonstrates the initial advantage of dictators in dealing with democracies such as ours. The decision of a small group of men, possibly a dozen, quickly and conclusively determines the action to be taken on a large scale throughout Europe, and everything is coordinated with that decision—the absolute control of the press, the domination of the people, the conduct of a skilful campaign of propaganda, the complete misrepresentation of the attitude and purposes of any country opposed to the procedure—all is arbitrarily decided upon.

Our decisions, our actions in regard to these developments are of great importance. We have an acknowledged position of leadership in the world. We have been spared the destruction of war which literally flattened Europe. We are enjoying a high degree of prosperity. These things being so, the character and strength of our leadership may well be decisive in the present situation. We cannot evade the issue by the negative procedure of inaction. By so doing we would vacate our dominant position of leadership and thereby revert to a secondary role—a role which inevitably would deprive each of us of those American principles

of freedom and justice we have always upheld by every means available.

I would make the same comment regarding the general world situation but in this case applying it more to the problem of just where and how we should exert our influence. Unfortunately, critical situations are not confined to Europe. They exist in the Middle East, in Indonesia, in China—and we cannot ignore Latin America, or our direct responsibilities in Japan and Korea. Therefore, very important decisions must be made by our Government as to exactly what we should do to meet these various crises. Our means are not unlimited—we must not spend our efforts unwisely.

As a matter of fact, I find the present situation disturbingly similar to that with which I labored as Chief of Staff. I watched the Nazi Government take control of one country after another until finally Poland was invaded in a direct military operation. For several years I had to withstand heavy pressures from various theaters of operation in the world for assistance—support in the form of matériel—without regard to our then extremely limited resources available in the United States. Later, after our entry into the war, these pressures greatly increased in the demand for support to an extent which if met would have rendered us ineffective, I think, on almost every field of action. This situation continued up to the time of our landings in Normandy and even after the liberation of France still continued regarding our forces in Italy and in the western Pacific.

I find myself in virtually the same position today as I was during those war years, and the decisions are just as difficult and equally important. Rich and powerful as we are, we cannot afford to disperse our efforts to a degree which would render all ineffective. Every region has its claims and its proponents, and it is therefore necessary to decide on a general strategy to be employed, having in mind the entire world situation.

One factor I especially wish to make clear today is the importance of timely action on our part in the face of the dictatorial procedure with which we are confronted in Europe. Take, for example, the Recovery Program. It has not been a question of a small group of men deciding what was the best thing to do and then immediately giving directions for carrying out that decision. On the contrary, the initial suggestion which resulted in this program was made June 5, 1947. Sixteen nations responded immediately and early in September submitted a statement of their agreements and their proposals. At the same time three highly representative committees of distinguished citizens in this country studied the various aspects of the matter and made their reports in September and early October. Finally, the matter was carried to the Congress which had been convened

in a special session last fall. There have been committee hearings; there have been the recommendations and proposals of a Congressional group who studied matters abroad last summer. There has just been completed the debate on this subject in the Senate, followed by a highly favorable vote. The House Committee makes its report this week, I think. The debate and vote in the House are soon to follow. Yet the original suggestion was made almost a year ago.

All of this procedure is as we would have it. It is but an expression of a democracy of free men carefully considering and debating what had best be done. In one sense it represents much of what we fought for during the last war. But our problem is how, with the rapid march of events in Europe, to meet the situation. Earlier in this talk I used the expression "initial advantage". What I meant to imply was that the initial advantage is almost always on the side of the dictators, as it was overwhelmingly in the last war. In the long run, I am sure, the democracies will invariably win out. But the trouble is that the lapse of time may result in such a serious loss of position and strength that the task of the democracies may involve a long, hard struggle to recover the ground thus lost.

A special effort is now being made to carry through the European Recovery Program promptly to final approval. This program, as you know, is based on economic factors. I agree that the economic reinforcement of the free nations will not alone guarantee their safety under existing conditions. But it should so strengthen them that they will have a far better chance of defending themselves and their governments against transition into police states dominated by the central committee of the Communist Party in Europe. My concern is to see us reach a prompt decision in regard to this program and not delay action while discussing new conceptions or proposals regarding related matters.

In connection with the electoral campaign now in progress in Italy, the leaders of the Communist Party have given their interpretation to the policy of the United States in connection with the outcome of these elections. They publicly asserted that if their party, the Communist Party, is victorious at the polls American assistance to Italy will continue without change.

I have only this comment to make regarding that interpretation of the policy of the United States:

The European Recovery Program has been created on the basis of the voluntary association of 16 nations who came together of their own free will and drew up a program of mutual self-help for their economic recovery. There has been no compulsion or pressure of any sort in regard to

association in this great cooperative effort. The United States has undertaken to assist these cooperating nations in this large task.

However, on the other side, the record is unmistakable. Every European nation which is under the influence of the Communists has been prevented from participation in the European Recovery Program. Some have been deprived of the right to participate, clearly against their own wishes.

Since the association is entirely voluntary, the people of any nation have a right to change their minds and, in effect, withdraw. If they choose to vote into power a government in which the dominant political force would be a party whose hostility to this program has been frequently, publicly, and emphatically proclaimed, this could only be considered as evidence of the desire of that country to disassociate itself from the program. This Government would have to conclude that Italy had removed itself from the benefits of the European Recovery Program.

Referring again to the suggestion of last June and what has followed, I think it was most encouraging to find that a group of 16 nations could reach an agreement for cooperative action involving great concessions in their traditions and local points of view for the good of the many. Representatives of these 16 nations now are in session to work out an agreement for a continuing organization which will supervise the implementation of their joint effort to assure the success of the European Recovery Program.

In further evidence of their determination to cooperate for the common good, Belgium, France, Luxembourg, the Netherlands, and Great Britain have just entered into a treaty providing for extensive cultural, economic, social, and military cooperation and affirming their determination to stand together for the common defense of their freedom.

Such concerted actions as these are very encouraging factors in the struggle for freedom and for peace and security and demand our cooperation and assistance.

There are a number of suggestions for other methods of economic or political procedure for us to take regarding Europe. All must be carefully considered, but the point I would make is that we have started on a carefully developed program which practically everybody acknowledges is of great importance, and virtually all agree that time is a critical factor, particularly for Italy. A prompt decision is what is urgently needed.

In conclusion I would say that our purpose, our policy, is to stand firm on basic principles but at the same time to keep the door wide open for any general conciliatory moves. We are sincerely anxious to find a sound basis for reaching an agreement which will terminate once and for all the

present dangerous situation. We shall continue to do everything possible to reach an agreement. But until such time as a real settlement can be reached, however, it must be our policy to discourage and to oppose further encroachment on the rights and lives of free peoples. The immediate means for effective assertion of that policy is the

prompt enactment and immediate application of the European Recovery Program. This is fundamental to all our future decisions in dealing with a situation as grave as any that has ever confronted this Nation. The President has presented to the Congress the further measures which should be taken.

Recommendation for Return of Free Territory of Trieste to Italy

STATEMENT BY THE GOVERNMENTS OF THE U.S., U.K., AND FRANCE

[Released to the press March 20]

The Governments of the United States, the United Kingdom, and France have proposed to the Governments of the Soviet Union and Italy that those Governments join in agreement on an additional protocol to the treaty of peace with Italy which would place the Free Territory of Trieste once more under Italian sovereignty.

The Governments of the United States, the United Kingdom, and France have come to this decision because discussions in the Security Council have already shown that agreement on the selection of a governor is impossible and because they have received abundant evidence to show that the Yugoslav zone has been completely transformed in character and has been virtually incorporated into Yugoslavia by procedures which do not respect the desire expressed by the powers to give an independent and democratic status to the Territory.

During the Council of Foreign Ministers' discussion of the Italian peace treaty it was the consistent position of the American, British, and French representatives that Trieste, which has an overwhelmingly Italian population, must remain an Italian city. Given the impossibility of securing the adoption of such a solution, the three Governments agreed that the city and a small hinterland should be established as a Free Territory under a statute which it was hoped would guarantee, with the cooperation of all parties concerned, the independence of the people of the area, including the Italian city of Trieste.

Pending the assumption of office by a governor, the Free Territory has been administered by the Commander, British-United States Forces, in the northern zone of the Territory, and by the Commander, Yugoslav Forces, in the southern zone. In the U.K.-U.S. zone the Anglo-American military authorities have acted as caretakers for the governor to be appointed and for the democratic organs of popular representation for which the permanent statute of the Territory makes provision. At the same time Yugoslavia has taken, in the zone under her charge, measures which defi-

nately compromise the possibility of applying the statute.

In these circumstances the three Governments have concluded that the present settlement cannot guarantee the preservation of the basic rights and interests of the people of the Free Territory.

The Governments of the United States, the United Kingdom, and France have therefore decided to recommend the return of the Free Territory of Trieste to Italian sovereignty as the best solution to meet the democratic aspirations of the people and make possible the reestablishment of peace and stability in the area.

In as much as the Security Council has assumed the responsibility for the independence and territorial integrity of the Free Territory of Trieste, the Governments of the United States, the United Kingdom, and France will submit to the Security Council for approval the arrangements to be jointly agreed upon.

Intentions of Czechoslovakia To Sign ITO Agreement Studied

[Released to the press March 20]

The Government of Czechoslovakia has informed this Government that on March 20, 1948, it intends to sign the protocol of provisional application of the general agreement on tariffs and trade and to put the agreement provisionally into effect on April 20, 1948. The general agreement is a comprehensive trade agreement among 23 nations, the negotiations concerning which were completed October 30, 1947, at a meeting in Geneva, Switzerland.

The United States Government is examining the implications and obligations of the agreement in the light of the recent developments in Czechoslovakia.

March 28, 1948

Current and Prospective World-Wide Petroleum Situation¹

Petroleum is in short supply in the United States as in many other countries throughout the world. As a result, repeated urgent requests are being received from foreign countries for United States Government assistance in obtaining the petroleum supplies necessary to meet their essential requirements.

The Oil-Industry Committee in the United States, appointed by a Senate committee, under the chairmanship of Senator Tobey, to study the petroleum situation in the United States, has recently reported that for the period of December 1947 through March 1948 in the New England and Middle Atlantic States there will be a 15 percent shortage of gas and distillate fuel oil and that for the entire area east of the Rockies the shortage will be 10 percent. It is anticipated that the shortage in gasoline and other products in season will be approximately the same order of magnitude and that there may not be a general improvement for some time. The Committee recommended that every effort be made to conserve fuel, that petroleum products be used only for essential purposes, and that wherever conversion from oil to coal is practicable, the change should be made. The Committee asked all consumers to cooperate in economizing in the utilization of petroleum products.

Since shortly before the war world-wide petroleum requirements have grown at a more rapid rate than at any other time in the history of the industry. World-wide consumption was approximately 5,000,000 barrels a day in 1938, is approximately 8,500,000 barrels a day today, and the requirements estimated in the Krug Committee Report for 1951 will be 10,000,000 barrels a day. World consumption grew to 5,000,000 barrels a day in about eighty years; it is expected to double in the succeeding twelve or thirteen years. The industry believes that this 10,000,000 barrel-a-day rate will be reached before 1951, probably in 1950.

The supply of petroleum products is limited by the availability of crude oil and the capacity of the world's transportation and refining facilities. Although there may be a small amount of available crude-oil productive capacity in the Middle East, it is not available because of lack of transportation and refineries. On a world-wide basis the facilities for the production and distribution

of petroleum products are being operated at capacity.

If an increase in world demand of 1,500,000 barrels a day during the next three years is to be met, there must be not only an increase in that amount of crude-oil production but also increased refining capacity, pipelines, and tankers. Such a program will necessitate the discovery and development of new reserves and the construction of additional refining and transportation facilities. Anyone familiar with the operations of the industry knows that this rate of growth would be staggering even if all the steel and other necessary matériel were readily available. With the critical shortage of matériel, particularly steel products, the task becomes immeasurably more difficult.

The United States recognizes the importance to all countries of meeting their essential requirements for petroleum products in order to sustain their economies. At the same time there is a limit to the assistance which can be given by exporting petroleum products from the United States. The United States is today a net importer of petroleum despite the fact that it is producing its reserves at capacity. The rate at which domestic requirements are growing indicates that the volume of net imports can be expected to increase steadily. The United States, therefore, cannot be expected to continue long in the future to supply any substantial part of the requirements of other countries, except for lubricating oils and other specialty products.

The economies of most countries have become dependent in large part upon petroleum. As petroleum is expected to be in short supply for the next few years at least, it would be desirable for any country wishing to insure itself against an insufficiency of petroleum to examine its own area to determine the possibilities for the development of indigenous petroleum resources. Many countries in the Western Hemisphere are believed to possess large unexplored areas where the possibilities are good for the development of important petroleum reserves. Intensive exploration and development operations in these areas might well produce more than enough oil for local consumption, leaving a surplus for export. The critical world-wide shortage of petroleum supplies is a factor to be taken into account by all countries in deciding the extent and rate at which their oil reserves are to be developed.

The development of petroleum resources of any country with large potential oil areas requires vast amounts of capital, efficient management, and

¹ Memorandum submitted by the United States Representative to the Inter-American Economic and Social Council of the PAU on Mar. 8, 1948, and released to the press on Mar. 19.

large numbers of highly trained technical and scientific personnel. It is doubtful whether any one company or entity, no matter how large, could be expected to develop such resources successfully and efficiently. What is required is access to the best petroleum technology, great diversity of effort, and access to adequate and large volumes of risk capital, all of which would be available fully and freely by calling upon the world petroleum industry.

Any country would derive many benefits from the development of its petroleum resources. Such development would produce oil required by its economy, including fuel for its expanding industrialization, and permit the rapid expansion of its economy, resulting in greater industrialization, higher standards of living, a saving in foreign exchange, and an opportunity to greatly enhance its exchange position by exporting petroleum.

THE CONGRESS

Ratifications of Constitutional Amendment Regarding President's Terms of Office

The Governor of the Commonwealth of Virginia has notified the Secretary of State of ratification by the General Assembly of the proposed amendment to the Constitution of the United States relative to the terms of office of the President. The notice received from Virginia is the nineteenth reported to the Secretary of State in accordance with law (5 U.S. Code, sec. 160), and the first notice received in 1948.

The following list shows the action taken by States on the proposed amendment, arranged in the order of the ratifications:

State	Date of ratification	Date of receipt of notification by the Department of State
Maine	Mar. 31, 1947	Apr. 8, 1947
Michigan	Mar. 31, 1947	Apr. 25, 1947
Iowa	Apr. 1, 1947	Apr. 8, 1947
Kansas	Apr. 1, 1947	Apr. 25, 1947
New Hampshire	Apr. 1, 1947	Apr. 21, 1947
Delaware	Apr. 2, 1947	June 2, 1947
Illinois	Apr. 3, 1947	Apr. 14, 1947
Oregon	Apr. 3, 1947	June 9, 1947
Colorado	Apr. 12, 1947	May 26, 1947
California	Apr. 15, 1947	Apr. 25, 1947
New Jersey	Apr. 15, 1947	May 20, 1947
Vermont	Apr. 15, 1947	Apr. 21, 1947
Ohio	Apr. 16, 1947	Apr. 25, 1947
Wisconsin	Apr. 16, 1947	June 6, 1947
Pennsylvania	Apr. 29, 1947	May 5, 1947
Connecticut	May 21, 1947	June 10, 1947
Missouri	May 22, 1947	July 25, 1947
Nebraska	May 23, 1947	June 12, 1947
Virginia	Jan. 28, 1948	Mar. 11, 1948

The Department of State on June 9, 1947, received a letter from the Governor of Oklahoma stating that a joint resolution ratifying the proposed amendment had failed to pass.

THE FOREIGN SERVICE

Consular Offices

The American Consulate General at Bratislava, Czechoslovakia, was opened to the public on March 1, 1948.

PUBLICATIONS

Department of State

For sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.

Austria: Zones of Occupation and the Administration of the City of Vienna. Treaties and Other International Acts Series 1600. Pub. 2861. 9 pp., 2 maps. 35¢.

Agreement Between the United States of America and Other Governments—Signed at London July 9, 1945; entered into force July 24, 1945.

United States Educational Foundation in Burma. Treaties and Other International Acts Series 1685. Pub. 3051. 7 pp. 5¢.

Agreement Between the United States of America and Burma—Signed at Rangoon December 22, 1947; entered into force December 22, 1947.

Twenty-fifth Report to Congress on Lend-Lease Operations: Lend-Lease Fiscal Operations, March 11, 1941 through June 30, 1947. Pub. 3064. 77 pp.

Diplomatic List, March 1948. Pub. 3086. 180 pp. 20¢.

Monthly list of foreign diplomatic representatives in Washington, with their addresses.

American Trade Policy. Commercial Policy Series 110. Pub. 3091. 13 pp.

An article by Woodbury Willoughby describing the background of present U.S. policy for the elimination of trade discriminations and reduction of trade barriers, and the charter for an International Trade Organization which came out of the Habana trade and employment conference.

United States Foreign Economic Policy. General Foreign Policy Series 1. Pub. 3097. 11 pp. Free.

Address by Winthrop G. Brown discussing our stake in the European Recovery Program, the International Trade Organization, and the trade agreements program.

Toward Securing the Peace and Preventing War: Address by the President to the Congress of the United States, March 17, 1948. General Foreign Policy Series 2. Pub. 3102. 5 pp. Free.

The President's report on the critical international situation, requesting prompt passage of the European Recovery Program and universal military training and temporary revival of selective service.

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